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NARRATIVES OF STATE TRIALS

IN

THE NINETEENTH CENTURY.

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NARRATIVES OF STATE TRIALS

IN

THE NINETEENTH CENTURY.

FIRST PERIOD.

FROM THE UNION WITH IRELAND TO THE DEATH OF GEORGE THE FOURTH,

1801—1830.

BY

G. LATHOM BROWNE,

OF THE MIDDLE TEMPLE, BARRISTER-AT-LAW.

IN TWO VOLUMES.

VOL II.

THE REGENCY, 1811—1820. THE REIGN OF GEORGE IV., 1820—1830.

Boston:

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PREFACE.

THE trials in this volume complete our selection to the close of the reign of George the Fourth, at whose death the system of the personal interference of the Sovereign with the policy of his Ministers, so obstructive to the natural development of constitutional government, came to an end. In themselves they are interesting from the positions of the parties affected by them, and valuable as exposing the state of society and the condition of the working classes during that eventful period—the first thirty years of the present century. In those of the Luddites, the Nottingham rioters, the Spa Fields riot, the meeting of the masses at Peterloo, and the atrocious conspiracy of Thistlewood, we have proofs of the widespread disaffection that prevailed, and of the extensive ramifications of conspiracy, throughout the manufacturing districts and in the metropolis. The detestable habit of the employment of spies on the part of the Government assumes the prominence of a system, and reflects as little credit on successive Cabinets as does their resort to repression as the only remedy for undoubted grievances.

It is sad to think that Ministers, personally above the imputation of treachery, should have accepted the services of such wretches as Castle, Oliver, and Edwards. It is far more sad to read how a husband, himself ostentatious in his immoralities, should, from a few months after his marriage, have hunted his illused and discarded wife with the lowest class of spies, and permitted them to be tempted by bribery into misstating or manufacturing the evidence against her, by which his own wicked wishes could alone be gratified. That the spies of Italy should have willingly aided in such a conspiracy was only natural; but that men, nominally of birth and rank, holding the position of his official representatives as a German king, should have joined in such a dirty trade, is almost beyond belief. Yet it cannot be denied, nay, it was not attempted to be denied, that the Omptedas, the Von Grimms, the Berckstedts, and the Redens, assisted, if they did not originally tempt, the witnesses in the concoction of their loathsome evidence against the Queen. Painful as it is to have to relate the story of her persecution, and of the advantages so adroitly taken of her indiscreet conduct, the story itself is invaluable as an illustration of the miserable social morality of the period.

The persecution of Lord Cochrane is equally valuable as an illustration of the bitterness of the party-spirit of the time, and of the injustice which can be inflicted by an obstinate, though no doubt conscientious judge. The silly affair of the "Bottle Conspiracy" brings into prominence the weaknesses of a great man. It is disheartening to find, that one

who had exhibited such administrative fitness and such rare energy in ruling India, in the time of imminent danger, should show how weak and foolish he could become when his vanity was touched, and should construe an affront, which a wise man would have passed by with silent contempt, into a deadly conspiracy against him as the representative of the authority of his Royal master.

The trials of Hone for his parodies on the Bible and the Scriptures have been omitted from this selection. As political satires they are contemptible—mere abuse and nicknaming of political leaders—and though the writer may be acquitted of intending them as blasphemies, they could not now be reproduced without offence to religious feeling. The real interest in these trials lies in the persistency with which, notwithstanding serious bodily weakness, the author of them resisted the autocratic power of his judges, and in his extraordinary display of curious but very useless learning. From the earliest days of the Mediæval Church parodies of the Scriptures and the Liturgies had been a favourite form of satire, the very existence of which it is best to forget.

Should these trials be continued, the next period would embrace the reign of William the Fourth and the first fifteen years of that of her present Majesty, including the cases of the Reform riots at Bristol, Nottingham, and Derby; the Repealers in Ireland; the Chartists, and the attempts on the life of the Queen. The very curious case of the claimant to the Earldom of Stirling, in which the hereditary ownership of so large a portion of our North

American provinces was practically contested, and the famous Parisian fortune-teller, Le Normand, was implicated, would also fall within this period.

Since Chapter IX. (Cato Street Conspiracy) was in print, I find, from the late Mr. Justice Therry's reminiscences of New South Wales, that three of the conspirators who were transported to that penal colony (Strange, Wilson, and Harrison) became reformed and useful colonists. Strange was invaluable as a constable—the terror of bushrangers, as "The Cato Street Chief"—and Wilson was an active and brave constable under him. Wilson, on obtaining leave to marry, set up as a fashionable tailor in Bathurst, with "Wilson, Tailor, from London," on his sign-board. Harrison also became the principal baker in the same district.

G. L. B.

King's Bench Walk,
Temple,
January, 1882.

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of the Princess Charlotte—The Regent and the Milan Commission—Death of the Queen—Revival of cash payments, and mitigation of the criminal code—1820: increasing distress—Reform meetings in the manufacturing districts—*Arrest of Sir Charles Wolseley and the Rev. J. Harrison for seditious speeches*—Alarm of the Cabinet—*The Peterloo riot—Arrest of Hunt and his companions*—The Six Acts of Lord Sidmouth—Death of George III. and end of the Regency.

AT the commencement of the Regency, Napoleon was apparently supreme on the Continent. His only opponents, the British and their allies in the Peninsula, had retreated to the impregnable lines of Torres Vedras, closely watched by the army of Massena; Rome and the Papal Provinces had been annexed to France; the Pope was a prisoner at Savona; Louis Bonaparte had resigned his mock sovereignty in Holland, and found refuge in England; and not only Holland to its old boundary on the Zuyder Zee had been absorbed by France, but with it Friesland, Oldenburg, Bremen, the whole coast to Hamburg, and the whole country as far as Lubeck. More than 40,000,000 of people were Napoleon's subjects. The kingdom of Italy was his, and that of Naples was ruled by his brother-in-law, Murat. In his newly created kingdom of Westphalia, his brother Jerome was simply his steward; whilst by his protectorate of the Confederation of the Rhine, the rulers of Saxony, Bavaria, and Wurtemberg, and numerous minor German Princes, were at his beck and call. Prussia had been crushed; Austria bound by his alliance with the Empress Marie Louise; Russia was his ally; and the far off states of Sweden in the power of the ablest of his marshals, Bernadotte. Wellington at Torres Vedras, alone

resisted his gigantic power. Could the English be driven from that vantage-ground, he would indeed be supreme on land. The dominion of the sea he had resigned to England, obliged, however unwillingly, to admit her undisputed power on her favourite field of action. In such a state of affairs it is not surprising that our Cabinet looked coldly on a further prosecution of the contest in the Peninsula, and save for the firm and statesmanlike opposition of Wellington, would have confined it to the defence of Portugal, even if they did not think of withdrawing from the whole Peninsula. The most foreseeing statesman could not then have believed that within less than four years all Europe would have risen as one man against the Imperial Autocrat, that the Allies would have been in possession of Paris, and Napoleon a prisoner in the Isle of Elba.

At home the condition of the working classes, especially in the districts occupied by the cotton and cloth factories, was serious. Though the war was confined to the Peninsula, and subsidies to foreign allies had ceased, the pressure of taxation was but little alleviated, and the expenditure could still only be met by heavy loans.[1] At the same time Napoleon's policy had materially reduced the demand for our manufactures abroad, whilst the introduction of improved

[1] The Budget for 1812 showed an anticipated expenditure of 58,188,456*l.*, of which 27,000,000*l.* were required for our ordinary military and naval services. To meet this, a loan of 15,650,000*l.* was required, in addition to the usual Ways and Means. The expenditure in the previous year had been calculated at 56,000,000*l.*, and required a loan of 24,000,000*l.*

machinery not only threw many workmen temporarily out of employ, but reduced the wages of the remainder, and from the facilities afforded by the improved machinery substituted younger and less skilled hands for those of the superior artisan. Disturbances due to these causes, had more or less prevailed during the winter of 1811, confined mainly to the hosiery districts, but gradually extending to the neighbouring counties. By the month of February, 1812, they increased in violence in the cotton towns of Cheshire and the cloth factories of Yorkshire, to such an extent, that the local authorities were no longer able to cope with them. During this period acts of the most lawless character were perpetrated, in the destruction of property, particularly machinery, and in attempts on the lives of the manufacturers, and of the persons engaged in the suppression of these acts of violence. Eventually it was discovered that the parties to these outrages were organized and directed by a central authority, trained to some extent, and combined by an oath of secrecy and confederacy.

These pitiable distresses of the working classes had little effect on the habits of the Regent and his friends. His extravagance was as reckless as ostentatious, and his life spent either in seclusion with his special circle, or in costly *fêtes* that seemed to mock the poverty of his subjects.[1] There were now three courts

[1] On the 19th of June, 1811, the Regent gave a grand *fête* at Carlton House, at which the table was decorated with a canal of pure water 200 feet in length in which were gold and silver fish, running, between banks covered with mosses and aquatic plants, from a silver fountain at the head, and falling in a

to maintain: that of the poor old King and his aged Queen at Windsor; that of the Regent and his favourites at Carlton House, among whom Lady Hertford was now all powerful; and that of the Princess of Wales, with her strange mixture of associates, many of whom, by character as well as position, were utterly unfitted to be her companions, and encouraged the social weaknesses to which she was addicted.

The intrigues for a change of Ministers revived as the date for the expiring of the restriction on the Regent got nearer. The Royal Dukes intrigued with and for Wellesley, in the hopes of getting their own

cascade at the end.—*Gentleman's Magazine*, vol. lxxxi. p. 587. The great cost of this entertainment is bitterly contrasted by Romilly with the misery of the weavers of Glasgow and Lancashire.—"Parliamentary Life," vol. ii. p. 409. With reference to his proposed creation of Regent Street, the *on dit* was, "that he was to have a villa on Primrose Hill, and a fine street leading to it."—Tom Moore to Lady Donegal, Oct. 28, 1811; Lord John Russell's "Memoir of Moore," vol. i. p. 263. The little popularity that he once had was fading rapidly. A few days before Perceval's murder, during the acting of Henry V., the allusions to that king's breach of his promises made as Prince of Wales, were loudly cheered, and in a new play at the Lyceum, allusions to female influence on Government received with repeated cheers. Under the influence of Hertford House he separated himself from his old friends, striking out their names—even including that of Lord Moira—from the new list of *droit d'entrée* at Carlton House. In Parliament the salary of a new private secretary, and the vote for his pet barrack-building scheme, were refused; and the addresses on his creation as Regent, were admitted to be thorough failures.—Fremantle to Marquis Buckingham, May 1, 1812; "Memoirs of the Regency," vol. i.

designs carried out; and the Regent, more intent on his building and improvement schemes and his own indulgences than politics, played with both parties, and was faithful to neither. In the end the influence of Lady Hertford prevailed; Wellesley retired, and Perceval remained undisputed master of the situation.[3]

In Parliament the real battle was fought over the Orders in Council by which, in the view of the manufacturers, our trade with America was sorely fettered, and the country brought to the verge of that sad war with the United States in 1812, from which the only results were almost equal losses on both sides, and little credit to either. The details of the discussions and events are elsewhere fully recorded.[4] It is sufficient, therefore, here to notice, that after demands

[3] These intrigues are amusingly detailed by W. H. Fremantle, in his gossiping letters to the Marquis Buckingham, Dec. 11, 1811; Jan. 4, 21; Feb. 1, 13, 14, and 15, 1812. In one of them, speaking of an interview between Lord Moira and the Regent, after the former's failure in the negotiations, he gives the following graphic account of the "Prince's tears:" "When Moira told him that he should soon make his bow, this precious gentleman blubbered as he did when Brummell told him that he did not like his coat, and said, 'You will desert me, Moira!' 'No,' he replied, 'when the friends and counsels you have chosen shall have brought your throne to totter beneath you, you then shall see me by your side, to sit, if it should please God, under its ruins with you.'" Lord Moira was the only honest man in the Regent's private circle. The same authority says that the real reason of the Regent's hatred of the Grenvilles and Wellesley was their opposition to giving a salary to McMahon, whom he had made his private secretary.—"Regency," by the Duke of Buckingham, vol. i.

[4] Introduction to the Murder of Perceval, p. 36, *et. seq.*

for papers on the subject had been twice refused, and Brougham's motion for a Select Committee defeated, Lord Stanley's proposal to refer the Orders to a Committee of the whole House, and to take evidence on their results, was accepted by the Government, and the investigation commenced. On the 11th of May, 1812, the House was in Committee, and a witness under examination, when the absence of the Premier was noticed and Perceval sent for. With his usual alacrity he hurried to the House, and had hardly reached the door when he fell, from a shot fired by a loiterer in the lobby. So close to him was the assailant, that the shot could not but be fatal.

Perceval had barely time and power to exclaim, "Oh, God!" when he sank into the arms of a Member and died. Thus fell, in the plenitude of his power, a generous, kind, and honourable man, the victim of the unfounded revenge of one whose mind, always erratic, had been rendered dangerously sensitive by his losses, and the neglect with which, he had persuaded himself, his claims to compensation had been treated by the Cabinet. With indecent haste, Bellingham his murderer was hurried to trial, and executed within four days of the terrible crime; whilst the House of Commons, under the excitement of the event, carried grants to his family far beyond what were warranted by the occasion.

On the death of Perceval the former policy of opening negotiations with the Grenville and Grey parties was revived, with the same result. At a Cabinet Council, within a few days of the death of their leader, the remainder of the Cabinet discussed the question

put to them by the Regent, whether they felt strong enough to go on under the lead of one of their own body, without the help of either the Grenvilles, or of Wellesley with his follower Canning. Lord Castlereagh, with his wonted shrewdness, suggested that they would do better if the offer was made. If the Grenvilles or Wellesley would agree to join, it would undoubtedly strengthen the Cabinet; if they refused, their refusal could be urged as a good reason why the present men should be supported as the only possible Ministers. On the 17th of May, therefore, Lord Liverpool, who was naturally looked to as their leader, communicated with Lord Wellesley and Canning. On the 22nd the House of Commons, by a majority of four, voted an address to the Regent, praying the creation of a strong and efficient Administration; and Ministers, after reporting the failure of the negotiations, tendered their resignations. Lord Wellesley was sent for, and being repulsed by Lord Liverpool, turned to Lords Grenville and Grey. He offered the old terms—consideration of the Catholic claims, and the effective prosecution of the war in the Peninsula. On the second point, not as a question of principle, but only of policy in the present state of the national finances, the offer was again refused. The truth apparently was, that Lord Grey doubted the faith of the Regent, and regarded the offer as a scheme to enable him to profess that he must fall back on the old Cabinet when his former friends declined assistance.[5] Wellesley again

[5] Lord Grenville, in writing to the Marquis Buckingham, under date May 24th, says that the whole scheme was to enable the Regent to say, "You see I cannot make persons unite who

tried the Grenvilles. He had now full authority to form a Cabinet, with himself as Premier, and Canning, Moira, and Erskine as his colleagues. If the Cabinet was limited to twelve members, he offered four places to the Grenvilles, if it consisted of thirteen, they might fill up five with their friends. The proposals were at once refused, and Wellesley gave back his commission.

Lord Moira then took the lead; he had been lately reconciled to the Regent, who marked the reconciliation with well prepared tears. Sheridan was deputed to assist him, and the Grenvilles were again approached. The question now turned on the great appointments in the Regent's household, monopolized by the Hert-

refuse to do so. I must take one or other, and I prefer the present to the Opposition." The Regent hated Lord Grey personally for his characterizing the Hertfords as "a certain secret influence which must be got rid of;" and if Moore's correspondent is correct, said that "he would have abdicated had it been forced upon him, and wished this made public."—Miss Godfrey to Moore; Lord J. Russell's "Memoir," vol. i. 296. (The name of Lord Grenville, used by Miss Godfrey, is clearly a mistake for Lord Grey.) Sheridan, it is said, had authority to assure the leaders of the Opposition that the Hertfords would resign, and suppressed the message. The truth is, all parties distrusted each other. Lord Eldon, who knew better than any man what was intended, never expressed the slightest symptoms of apprehension of resigning. If Grenville and Grey had come in, they would soon have been forced out. Their friends did not wish for office.—"Diary of the Times of George IV.," vol. i. 139; and Brougham's note to the Princess of Wales, same vol. p. 130. In the Liverpool Cabinet, Lord Sidmouth took the Home Office, in the place of Ryder; Lord Bathurst the War Department, *vice* Lord Liverpool, and Lord Harrowby became President of the Privy Council.

ford family. It was definitely asked, would full liberty of action in the new Cabinet extend to dealing with them? The answer was so indecisive that once more the negotiations were broken off; and early in June Lord Liverpool became Premier, a post he held for fifteen years, until his infirmities compelled his resignation.

Before the Cabinet of Lord Liverpool came into office, affairs on the Continent had materially altered. Napoleon at the head of half a million of men of various nations had staked his fortunes on the invasion of Russia. In the Peninsula, Massena defeated in his attempt at Busaco, had retired from Portugal, followed by Wellington, with an army whose discipline, perfected in the security of the lines of Torres Vedras, amply compensated for its limited numbers in comparison with the numerous armies of the French marshals; Albuera had been fought; Ciudad Rodrigo had fallen; and the Allies were gathering towards Salamanca, where so soon was to be fought that decisive battle in which science, aided by courage and discipline, defeated 40,000 men in forty minutes, and paved the way to the occupation of Madrid.[6]

If the aspect of affairs on the Continent was more encouraging, at home the increase of the Luddite outrages in character as well as number created much apprehension, and demanded effective measures for their repression. Hence on the 27th of June a message

[6] Battle of Busaco, Sept. 27, 1810; Albuera, May, 1811; Ciudad Rodrigo, Jan. 19, 1812; Salamanca, July 22, 1812; Madrid occupied, August 12, 1812.

from the Regent to both Houses of Parliament, accompanied by copies of the information received by the local authorities, was referred to Secret Committees, which reported the necessity for further legislative measures. On the 10th of July Lord Castlereagh introduced a measure in the House of Commons for the preservation of peace in the disturbed counties, by facilitating the search for arms and the prevention of riotous meetings, and giving a more extensive jurisdiction and more summary powers to the magistrates in the disturbed districts. The opposition in both Houses was as ineffectual as it was feeble. In the Commons only sixteen members could be mustered against the second reading. During the summer these disturbances appeared to decrease; with the approach of winter, however, they broke out in increased violence and numbers, and the gaols became rapidly filled with prisoners. The leniency with which those tried at Nottingham had been treated, and the subsequent severity of the sentences at Lancaster and Chester, had not the desired effect. Not content with the destruction of the machinery and mills of the manufacturers, the Luddites had attempted, in one case successfully, to take the lives of the manufacturers themselves. A special commission was therefore issued for the trial of these rioters at York, in January 1813, at which three murderers and fourteen destroyers of machinery and property were condemned and executed.[7] By

[7] For the details of the more serious of these outrages, and the legislation for their repression, see "Trial of the Luddites," *post*, p. 64.

itself the policy of repression would probably have failed, or at the best have only effected a temporary cessation of the Luddite outrages. Happily the repeal of the Orders in Council came to its aid, and the partial revival of the cotton and woollen trades worked a remedy which force alone would have failed to effect.

Again public attention was diverted from home to affairs abroad. The beginning of the end of the Imperial Conqueror had arrived. The hosts, rivalling that of Xerxes, with which Napoleon had crossed the Niemen on the 24th of June, 1812, had been driven back from the sacred soil of Russia, within five months of that proud day when half a million of the first soldiers in Europe had defiled before him on Russian territory. Of all that host, barely 80,000 had survived the snow, the famine, and the ceaseless attacks of the unapproachable Cossacks, and of these more than one-half were Austrians and Prussians, unwillingly dragged at the heels of the invader. Napoleon had deserted the remnants of his army and hastened to Paris, in vain endeavouring to conceal the magnitude of his defeat. Prussia at once threw off the yoke; and even Austria's usual hesitation ceased, when the news arrived of the rout of the French by Wellington at Vittoria, and the steady progress of the Allies towards the boundaries of France. Then the three Great Powers of Europe united in defence of their ancient liberties.

The crisis roused Napoleon to almost superhuman exertions, in which he was gallantly seconded by his despairing people. Another French army was in

the field early in 1813, and opened the campaign in Germany with the sanguinary battles of Lutzen and Bautzen, quickly followed by the victory before Dresden. But for the liberal aid given by England, who poured enormous supplies into Germany through the mouth of the Elbe, and furnished liberal subsidies, the Allies would probably have come to terms with Napoleon, and the "Battle of the Nations" before Leipsic never have been fought. On those awful days the power of Napoleon was effectually broken, and retreat to France inevitable. Out of 400,000 men, a twentieth only recrossed the Rhine. The Confederation grew with its successes. "From Gibraltar to Archangel, from the banks of the Scheldt to the Bosphorus," all Europe was in arms against him. Wellington had crossed the Pyrenees; Bayonne had fallen; at Orthes, Soult had been defeated; and Bordeaux had opened its gates to the Allies, who, now were gathered before Toulouse. On the 1st of December, 1813, the northern army crossed the Rhine in overwhelming force. Its magnitude, and the variety of nations of which it was composed, lessened its power, and Napoleon, showing all the genius of his early career, dashed hither and thither with his Liliputian army, and effected many a severe loss on his opponents.[8]

It was during this period of intense excitement, when terms were being discussed with Napoleon at Chatillon, that the notorious Berenger fraud was per-

[8] At St. Dizier, Jan. 4; Brienne, Jan. 19; Champ Aubert, Feb. 9; Montmerail, Feb. 11; Vauchamp, Feb. 14; Nangis, Feb. 17; Montereau, Feb. 25; Croane, March 7, 1814.

petrated. A little after midnight on the 20th of February, 1814, the landlord of the Ship Hotel, Dover, was knocked up to receive a stranger, who reported himself to have been landed by a French ship on the beach, some distance from the port, as the captain was afraid to enter the roads. Under a military great-coat he appeared to be dressed as a staff officer, and according to his confidential communications, had brought intelligence of the defeat of Napoleon, and that he had been torn to pieces by the Cossacks. His first act was to write and send this news to Admiral Foley, at Deal, in a letter which he signed R. Du Bourg, Lieutenant-Colonel, and Aide-de-Camp to Lord Cathcart. Having sent off this message, he hurried into a post-chaise and was driven at best speed towards London, giving the post-boys at each change a napoleon apiece, and everywhere repeating the great news. As the semaphores could not work, from the mist, he was safe from having his intelligence anticipated. In this way between nine and ten in the morning he arrived at the coach-stand at the Marsh Gate, in the Westminster Road, changed into the only coach on the stand, and drove direct to the house of Lord Cochrane, in Green Street. Not finding him at home, he wrote a short note asking for an immediate interview, which he sent by the noble lord's servant to the lamp factory in Holborn, whither Lord Cochrane had gone about the machinery for a lamp he had lately invented. Under the impression, he declared, that the writer brought news of his brother, who was seriously ill with one of the armies abroad, Lord Cochrane hastened home. There he found a

man of the name of De Berenger, whom he had slightly known as an ingenious engineer, and who had been endeavouring to arrange to be sent on board his ship, the "Tonant," in which he was about to join the squadron of his uncle, Sir Alexander Cochrane, as an instructor of rifle-shooting. On his excuse that he could not call on Lord Yarmouth, the colonel of the volunteer corps in which he was enrolled, in the dress he then had on, he borrowed a black coat and a hat from Lord Cochrane, rolled up his uniform—whether it was that of a staff officer or a green one was afterwards in dispute—and left. From then until he was arraigned as a partner in his fraud, Lord Cochrane never saw his visitor. The good news spread rapidly to the Stock Exchange, and within less than an hour after business commenced the funds rose steadily, large sales were made, and large profits realized on "time bargains." To keep up the excitement, which for the want of any official confirmation of the intelligence soon began to decrease, the second part of the plot was carried out. There drove through the city a post-chaise and four, with three persons in it, two dressed like French officers, in blue coats with white linings, wearing white cockades, and their horses' heads decorated with laurels. As they drove along they threw out of the windows little billets announcing the news. After a kind of triumphal progress through the city, they turned to the left at Bridge Street, went over Blackfriars Bridge, turned off to the New Cut till they reached the Marsh Gate, where they got out, folded up their hats, and walked off.

When the craze was over, the Committee of the

Stock Exchange instituted an inquiry into the transactions of the day, and discovered that large sales, with large profits, had been made during the prevalence of the deception, by Lord Cochrane, his uncle Mr. Cochrane Johnstone, and a friend of the name of Butt. Payments of the profits to the Cochranes and Mr. Butt were stopped, and every endeavour made to bring home the conspiracy to them and their friends. Lord Cochrane, who had left London to fit out the "Tonant," at once publicly, and on his oath, repudiated the charge, gave the cue to enable the guilt to be fixed on De Berenger, and with his uncle and Mr. Butt offered to find 3000*l.* towards the discovery and conviction of De Berenger, who had escaped. The offer was looked upon as a proof of connivance, and the case against him and his apparent partners prepared with great perseverance and ingenuity. On the 8th of June he was indicted with them and De Berenger, who had been captured, as well as the sham French officers of the second post-chaise, for a conspiracy to raise the price of the funds by falsehoods. They were tried before Lord Ellenborough, and, mainly through the bitter charge of that Judge against him, Lord Cochrane was convicted, fined, and imprisoned. His seat for Westminster was declared vacant, but he was re-elected by acclamation. His name was struck off the list of the Navy—the service he had adorned with his gallant and daring deeds—his arms and flag torn down from among those of the Knights of the Bath in Henry VII.'s Chapel, and his banner ignominiously kicked down its steps by a zealous official. For years he was the object of persecution, and subjected to heavy

fines, which the poorest of the people united to pay by penny subscriptions; and in the end was driven to take service abroad, where he showed the reckless daring of a Drake and the genius of a Nelson.

We have lived to see this gallant sailor cleared of the heavy imputation on his honour. When the Sailor King ascended the throne, among the first of his acts was the restoration of Cochrane to the Navy List without detriment to the seniority which he had temporarily lost; by the Queen he was restored to the Order of the Bath; by Lord Auckland, as First Lord of the Admiralty, he was appointed to the command of our fleet on the American and West Indian station; and when he died, full of years and honours, the banner that had been so ignominiously kicked down the steps of Henry VII.'s Chapel, was replaced, and waved over his coffin. The whole of the details of the persecution and life of this great man are well worthy of study.[9] Much of the persecution which he suffered was due to the bitter feeling against him on the part of the Government of the time, as a radical of radicals, and an incessant exposer of the extravagance of the Cabinet, and the abuses in the management of the navy, and as a supporter of the ardent cry that was beginning to be raised for parliamentary reform. Much, too, of his trouble was due to the excitability of his temper, and the unguarded character of his denunciations of political opponents. He lived down every disgraceful charge. In whatever clime he served, he added glory to the name of an English sailor.

[9] See trial of Lord Cochrane and others, *post*, p. 90.

The false news circulated by De Berenger and his co-conspirators anticipated the truth by only a few weeks. In February, had Napoleon consented to the terms offered by the Allies at the conference at Chatillon he might have reigned over France, such as she was in territory and power before the Revolution. Trusting too much to his dashing but useless victories since the huge host of the allies had entered France, and believing that France, though now all but old men and children had been pressed into the field, would still stand by him, he rejected the terms, and saw Paris surrounded by his foes. Further resistance was useless. His people fell from him, and demanded peace at any price; and after a fruitless attempt to obtain the recognition of his infant heir, early in April he abdicated the throne which he could no longer defend, and retired to play at royalty, as the Allies fondly hoped, in the Isle of Elba, with a battalion of soldiers and a petty fleet, on an income less than that of many an English nobleman.

Europe was in a delirium of joy. The Bourbons returned to the vacant throne, not a whit instructed by their misfortunes; and deceived by the show of applause for the white cockade, acted as if the Revolution and Napoleon had never existed. The spoils of the nations, that had so long adorned the capital, were sent back to their places on the vacant walls of the picture-galleries and pedestals of their museums. Petty sovereigns resumed the thrones from which they had been driven; and even Frenchmen, in all their humiliation, admitted the magnanimity of the Allies in not demanding a military contribution for all their

expenditure and their losses. London welcomed the Emperors of Russia and Austria and the King of Prussia. The Regent *fêted* them with all the costly magnificence so dear to his temper, and made their visit an opportunity for insulting his discarded wife, by excluding her from the Royal gatherings, and forbidding his visitors from paying her the least personal attention. There was, however, still much to be done by the conquerors of France—the map of Europe had to be rearranged to suit their demands. The result was inevitable. The Congress of Vienna showed how hollow was the friendship they professed, and on how frail a tenure the alliance rested. As soon as the diplomatists met, they began to quarrel over the plunder; and over the re-partition of ill-fated Poland, and the proposed absorption of Saxony, the conquerors all but came to blows amongst themselves. Austria, England, and France entered into a treaty to resist Russia and Prussia. The Great Powers ceased to disband their armies, Prussia retained her hold on Saxony, and England moved her troops into Belgium. At this moment came the startling news that Napoleon had escaped from Elba—landed in France—been joined by the troops which had only so lately sworn allegiance to the white flag—that the Bourbon king had fled from his capital—and the exile of Elba was once more on the throne of France! The quarrel was made up in haste, and "mutual fear once more enforced mutual confidence." Napoleon was proclaimed as beyond the protection of treaties. The work had to be done over again: this time the work was to be thorough.

The Congress had met at Vienna on the 3rd of

November, 1814. On the 26th of February, Napoleon evading the careless watch set over him by our cruisers, had escaped from Elba.[1] On the 19th of March he was at Fontainbleau, at the head of an enormous army, with the remnants of the royal army between him and Paris. It was in vain that Macdonald, true to his oath, prepared to oppose his old master. At the first sight of the Emperor his troops tore off their white cockades, and rushed as one man to receive him; and the Parisians with transport hailed the return of the man whom they had so lately cursed. His old marshals flocked to his standard, and his army grew with unexpected rapidity, as the veterans who had been detained in foreign fortresses returned to France, and hastened to swell his ranks. The genius of Napoleon never shone so brightly as in this his last struggle. Before the beginning of June

[1] Sir Neil Campbell, who was in command of the squadron in those seas, asserted in his defence: "I was never placed about him as a gaoler. I was a commissioner, on the contrary, appointed by the English Government to provide him with everything he could want in his island. For this purpose I had the 'Partridge' at Porto Ferrajo, at my orders. I had no men, no means, to prevent his doing whatever he chose; whilst he had a frigate, a bomb-vessel, small boats, and a thousand soldiers. I had warned Lord Castlereagh that if the agreed salary was not paid by the Allies he would do something desperate, and that he was in communication with Murat. All was quiet when I left, on Saturday, the 25th, for Leghorn, on a visit to Florence."—Lady Charlotte Bury's "Diary of the Times of George IV.," vol. i. p. 156. The gossip here added, that Campbell had gone to Florence to see his lady-love, is mere gossip; he had frequent communications with our representative in that city.

220,000 men, mostly veterans, were completely armed and equipped, and he was once more the terror of Europe.

The Allies were equal to the occasion. England poured out her millions of treasure with lavish profusion.[2] On the upper Rhine, half a million of Austrians and Russians were ready under Schwartzenberg. On the lower Rhine, Blucher moved with 140,000 Prussians; whilst in Belgium, Wellington, with a mixed force of 80,000 men prepared for a second march on Paris. With masterly rapidity Napoleon hastened to strike at his foes in Belgium, where the Prussians were hastening to join Wellington, before the juncture could be effected. His strategy failed him for once. Thanks to the sturdy resistance of the Prussians at Ligny, and the gallant stand of the British at Quatre Bras, the Allies were near enough to each other to enable the Prussians to pour fresh forces into the field of Waterloo, at the critical moment when the French were disheartened by their repeated failures, and to convert a serious repulse into a ruinous flight. The end had at last come. Hurrying to Paris, which he vainly attempted to defend, Napoleon fled to Rochefort, in hopes of escaping to America. It was hopeless. On the 15th of July he surrendered to the captain of the "Bellerophon." It was but a short step from thence to the island prison of St. Helena.

The cost of the great struggle told seriously on England, who had been the paymaster of Europe. The hundred millions of debt, which was deemed un-

[2] One hundred and ten millions were voted on this occasion for war purposes.

bearable when George III. began to reign, had increased sevenfold, and the national taxation had risen from seventeen to seventy-two millions. This pressure, borne with apparent ease when we were monopolizing the trade of the world, became painfully oppressive when, with peace, commerce gradually returned to her old channels, and the necessities of a war expenditure ceased to find employment for our manufacturers and home producers. Commercial and agricultural distress were coincident, and bread riots were added to the previous attacks on machinery. Nor were the former, as the latter, confined to the manufacturing districts. During three nights serious riots occurred in London, on the price at which corn could be imported being fixed by the new Corn Bill at eighty-one shillings the quarter; troops had to be moved on the metropolis, and actively employed in the streets, before they could be quelled. In addition to the normal conspiracies against machinery in factories, a far more dangerous combination had arisen—nominally for the demand of parliamentary and executive reform, really in many cases for a change in the Constitution of the country, of a revolutionary character. The Government had but one remedy—trials and executions, with the usual effect of, for a time, checking the outrages on property and persons, whilst leaving the original sources of disaffection to work with more dangerous secrecy. To add to the prevalent distress, incessant rain from June to October caused an entire stagnation of trade. Wheat rose to a guinea a bushel; there was no old corn in store; the harvest, if it deserved such a title, did not commence till the first week in October;

the corn in many places was even then still green; the wheat, when reaped, good for nothing; the potatoes an utter failure. The Government had indeed been forced to reduce the war taxation, by the repeal of the Income Tax and the malt duty. The deficit, however, had to be covered by a loan; and the incidence of the taxes repealed had pressed but lightly on the labouring classes.

For all these varied ills parliamentary reform was advocated as the infallible remedy. It was no longer a convenient party engine with the Opposition, but had become a household word. In this movement Cobbett bore the leading part. Until November, 1816, his trenchant *Political Register* had been circulated only among those who could afford to pay dearly for its weekly diatribes. Now he appealed to the masses with his *Twopenny Register*, and suddenly became an authority with the working classes throughout the country. "Spencean Clubs"—in which the opinions of the visionary Spence, who in 1800 had advocated the extinction of property in land, and its absorption for purposes of State—assisted the movement. "Hampden Clubs" nominally limited their demands to parliamentary reform of a character then considered visionary and revolutionary—votes for every male over eighteen years of age who paid taxes, paid members, and annual parliaments. Physical force gradually became advocated as the only remedy; and spies, incendiaries, and dupes, soon infested these nominally constitutional associations, which held their meetings in the lowest public-houses. One outcome of this movement was the Spa Fields riot, on the 2nd of

December, 1816, in which the Watsons and Thistlewood were implicated, and which, thanks to the firmness of the City magistrates, proved a miserable failure. Relying on the statements of a Government spy of the name of Castle, as great a vagabond as ever was put into the witness-box, the Government sought to magnify this outrage into a case of high treason. Early in 1817 the Watsons, Thistlewood, and one Hooper, were indicted for compassing the King's life. Castle was put into the box, and his previous career exposed with unmitigated severity by the counsel for the prisoners. The evidence was naturally disbelieved; and in spite of one of Ellenborough's charges, the elder Watson was acquitted, and the Government dropped further proceedings against his colleagues.[3]

Parliament met at the end of January, 1817, and the Royal Speech spoke strongly of the rising disaffection in the country, and of the attempts that were being made of using the prevalent distress for the purpose of exciting sedition and violence. It was promised that "no precautions for securing the public peace and counteracting the designs of the disaffected should be omitted." The Government was apparently satisfied with the powers which the existing laws gave it. Within three days, however, came a message from the Regent, again asking both Houses of the Legislature to consider the evidence of disaffection which he now laid before them, and suggesting additional measures for the preservation of the public peace. On the 18th and 19th of the

[3] See trial of James Watson, *post*, p. 213.

same month the Secret Committees of both Houses reported that "these associations were for the purpose of overthrowing all the political institutions of the country, and such a subversion of the rights and principles of property as must necessarily lead to general confusion, plunder, and bloodshed." Under the influence of these reports the Government carried four stringent Acts. By the first, the safeguards against treasonable attempts on the Sovereign were extended to the Prince Regent;[4] by the second, the Act for the prevention of the seduction of our soldiers and sailors was renewed; by the third, the Statute against the Corresponding Society was extended to the present clubs; by the last, the protection of the writ of Habeas Corpus was again suspended for a limited time.

The last of these measures had been passed a little more than a week, when the extent to which agitation and union prevailed in the manufacturing districts was shown by the strange assembly of "The Blanketeers" in St. Peter's Field, Manchester. A vast body of workmen, with blankets, rugs, or coats, rolled up and tied on their backs, some with bundles supposed to contain petitions, and some with stout sticks, marched into the field. The magistrates were

[4] The Regent had been mobbed on his way to Parliament, and a missile—probably a stone—thrown at his carriage-window. The new Acts extended the powers of 36 Geo. III., c. 7, to the person of the Regent; renewed the Act of 1816 against the seduction of soldiers and sailors; made 39 Geo. III. (against the Corresponding Society) applicable to present clubs; and renewed the Act of 1795 against seditious meetings.

on the alert; the Riot Act was read, and the mob dispersed, without injury, by the military and constables. Public meetings were apparently at an end, with the inevitable result that the disaffected met with more secrecy, and their plans increased in violence. The spy system was in full vigour, but in more favourable hands than those of Castle, and working with more discretion and astuteness. A man of the name of Oliver was now the chief actor in the system of Government espionage, and if report spoke the truth, advised and promoted among his dupes the acts of violence which were afterwards proved against them by other witnesses. Anyhow a new impulse was given to disaffection in Lancashire, Yorkshire, and Derbyshire, and three of the reputed leaders—Brandreth, Turner, and Ludlow—were tried and executed at Derby for high treason. Sir Samuel Romilly declared openly in his place in Parliament that "he believed the whole of these insurrections were the work of the persons sent by Government," nominally to fraternize with the disaffected, really to incite them to such acts of violence as might secure them their rewards on the conviction of their dupes.[1] For their share in the Derbyshire insurrection three were executed, and twenty subjected to heavy, though minor, punishments.

Another source of trouble to the Government were the libels, especially those in the form of indecent parodies on the Prayer Book and Bible, with which the press, mainly in the metropolis, teemed. On the

[1] For the history of Oliver's connexion with the Home Office, see trial of Brandreth and others, *post*, p. 218.

29th of March Lord Sidmouth issued a "circular letter" to the Lord-Lieutenants of Counties, urging the importance of preventing the circulation of these dangerous publications, and giving it as the opinion of the law officers of the crown that "a justice of the peace might issue a warrant to apprehend a person charged before him with such an offence, and compel him to answer the charge." On this interpretation of the law he called on the magistrates to act—a call they not unwillingly obeyed. It was in vain that this interpretation of the law was attacked by Lord Grey and Mr. Fox as the greatest invasion of the liberty of the subject that had been attempted since the Stuart days; the opinion of the law officers was supported in both Houses of Parliament, and the action of the Home Secretary approved by decisive majorities. The proceedings of the Government were, with one exception, signal failures. They drove Cobbett to America, and for a few months stopped the publication of his *Political Register*. But they failed to convict Hone, the chief writer of the indecent parodies, though they persevered again and again in bringing him before juries, and though they had all the power of Ellenborough to enforce a conviction. The triple acquittal of this learned and astute parodist necessarily increased the disease his indictment was expected to remedy.

Thus passed the miserable year 1817, rendered more so by the sad death of the Princess Charlotte, to whom all classes looked with hopefulness as the mother of a new and better race of Sovereigns. The sorrow of the nation was as widespread as intense,

and the universal mourning the best proof that the people were right at heart and desirous of no vital change in the institutions of the country. Until her marriage with Prince Leopold, her life had been truly miserable. Separated from her mother, coerced by her father, and little better than a prisoner in her residence, she had passed at one step from trouble to happiness by her marriage, with every prospect of a long and useful life. But it was not so to be. Whether by natural causes or the carelessness of her medical attendant it is useless now to discuss, she died in her first trial as a mother, without even the consolation of leaving an heir to the throne at the price of its mother's life.

The Cabinet were so satisfied with the result of their policy against disturbers of the peace and with the prospect of the coming year, that they repealed the Habeas Suspension Act, content to carry, after severe opposition, a bill indemnifying those witnesses on whose evidence persons had been committed to gaol, and who could not in safety be produced in public. One of the men who had been arrested under the late Act was the Thistlewood who had been implicated in the Spa Fields riot. No sooner was he released than he challenged Lord Sidmouth, who personally would have treated the insult with contempt, but who, by decision of the Cabinet, exhibited articles of peace against him, on which he was convicted and laid for a year in Horsham gaol. To this unwise act may be traced much of the personal hostility which so soon prompted Thistlewood to join, if not to devise, the Cato Street conspiracy.

The legal marriages of the bachelor brothers of the Regent were politically necessary since the death of the lamented Princess and her child, and the stubborn refusal of the Cabinet to aid the Regent in obtaining a divorce from his wandering wife.[6] The notorious Milan Commission had begun its investigations, but it was not until early in 1819 that its report reached England and had to be considered by the Cabinet. Assuming the witnesses to be reliable, Ministers were convinced that it established the charge of adultery. The Regent pressed for a divorce, but in vain. "So long as she remained alive and held no higher station than that of Princess of Wales, the Cabinet considered it expedient to abstain from any public proceedings; but they soothed the Regent by promising to endeavour to comply with his demands, should she ever return to England.

[6] In November, 1811, the Duke of Clarence had proposed to Lady Catherine Long, who preferred Wellesley Pole, and to Miss Elphinstone, who refused him. This caused a rupture with Mrs. Jordan, to whom he offered 800*l.* a year, and half the children. This cold-blooded offer she stoutly refused, till the Duke had paid what he owed her. She told all the neighbours at Bushy that "during the twenty years she had lived with the Duke he had taken all her earnings," and that "now that she was a beggar by living with him, and supporting him," he wished to leave her. The Duke of Cumberland wrote her of his brother's proposals to these ladies; to whom she wrote a letter of thanks, and at the same time a furious one to the Duke of Clarence; the letters went to the wrong parties, and in consequence there was a scene between the Royal brothers."—Mr. H. Fremantle to Marquis Buckingham, Nov. 28, 1811. In February, 1819, he proposed to Miss Wykeham, the great heiress, who accepted him; but he was talked out of it by his mother, and persuaded to marry the Princess of Saxe Meiningen.

The death of the aged Queen, in the winter of 1818, raised a most untoward question in connexion with the care of the imbecile King. To this delicate position the Duke of York was nominated, and the occasion most unwisely taken of asking for an additional income for him on the score of his new duties. This proposal created great dissatisfaction. It was revolting, said Lord Grenville, to pay a son for the care of his father. From the little prudence and management shown by the Duke in his own concerns, wrote Mr. Grenville, "the country will not, and perhaps ought not, to see the old King quartered on his discretion. Whatever belongs to the King's maintenance ought to be exclusively appropriated to it."[7] The Duke, to his honour, was unwilling to raise the question; but the Regent was determined, and the House, by a considerable majority, agreed that the extra grant should be included in the Royal Household Bill.

The revival of cash payments, suspended during the later years of the war, the mitigation of our Draconic criminal code, and parliamentary reform, formed the leading subjects of discussion in the Session of 1819. The first brought Peel, not as yet in office, into repute as a financier; for the second we are indebted to Mackintosh, on whom the mantle of Romilly had fallen; in the last Lord John Russell came to the front of the great question which he never ceased from agitating during his long life. For the last time the fervid and manly protest of Grattan

[7] Thomas Grenville to Marquis Buckingham, Dec. 7; "The Regency," by the Duke of Buckingham, vol. ii.

against the disabilities of his Catholic countrymen was heard in Parliament, when his motion for a Committee on the laws imposing certain oaths and declarations as a necessary qualification for certain offices was defeated, by the narrow majority of two, in a crowded house. The great orator lived indeed till the spring of the next year, but was too feeble in health to bring on his promised motion for the removal of Catholic disabilities. Three days after that appointed for his motion, died this most earnest and honest advocate of religious freedom.

By the time when Parliament was prorogued the prospects of domestic peace had been seriously lessened. From February to July trade had been steadily lessened, bankruptcies increased, credit impaired, the demand for labour affected, and wages lowered, whilst the price of food was rising. Severely pressed by the low rate of wages and the increased price of food, the operatives of Glasgow and Lancashire had appealed to public sympathy, in meetings at first peaceable, but soon rendered turbulent by political firebrands. In the political portion of this movement a Lancashire baronet, Sir Charles Wolseley, took a leading part, telling the crowds that he had mounted the ramparts of the Bastille when stormed by the French populace, and that he would never shrink from attacking and destroying the Bastilles of England. Foiled, for the present, in their demand for the reform of Parliament, the Radicals, as they were now called, devised the scheme of electing "legislatorial attorneys and representatives" for the towns not represented in Parliament,

and Sir Charles Wolseley was one of the first elected. The proposal in itself was too absurd to require serious notice—a mere humble imitation of the Conventions of the Irish, which had been checked by the Convention Act of 1793, and would probably have been left to die a natural death but for the seditious language of the leaders of these illegal election meetings. For such language, at Stockport, Sir Charles and a dissenting minister of the name of Harrison were arrested, the former at his own house, the latter at a meeting at which Hunt presided.[8]

The alarm of the Government at these events was increased by the reports of the local authorities that there were nightly assemblies of workmen for learning and practising military training, and that a conspiracy of a most revolutionary character existed, with widespread ramifications throughout the manufacturing districts. Still Ministers were content with the powers they possessed, and with sending orders for additional vigilance to the commander of the few troops located in the disturbed district. On the 16th of August the crisis came, when the men of Manchester and its neighbourhood, 80,000 strong, met on St. Peter's Field for the election of "a legislative attorney and representative" for their town. The events of that day are detailed elsewhere.[9] Dispersed by the military, many innocent persons necessarily suffered in the *mêlée* before Hunt and his leading supporters could be arrested. By the friends of order the events of that day, much as they were regretted, were de-

[8] See trial of Sir C. Wolseley and Harrison, *post*, p. 266.

[9] Trial of Hunt and others, *post*, p. 273.

tended as a painful necessity. By the friends of the sufferers the day was stigmatized as that of "The Peterloo Massacre." Hunt and some of his companions were eventually tried and convicted for their share in these untoward transactions.

At the conduct of the magistrates, as well as of the military, a widespread feeling of indignation rose throughout the kingdom, which was increased by the haste with which, before the facts were really accurately known, the Regent expressed his great satisfaction at their prompt, decided, and efficient measures for the preservation of public tranquillity. Resolutions for a strict inquiry into the events were passed by the citizens of London and most of the populous towns. In Yorkshire a county meeting, at the requisition of the leading landowners, including the Lord-Lieutenant, Lord Fitzwilliam, was called by the High Sheriff, and responded to by 20,000 persons. In their alarm the Government made a false step when they advised the Regent to deprive Lord Fitzwilliam of his high office, to the regret even of their own friends.

The Lord Chancellor and the Home Secretary demanded additional Coercion Acts, and at length forced, rather than persuaded, Lord Liverpool to summon Parliament in hot haste, to pass the new measures—the notorious Six Acts of Lord Sidmouth. On the 29th of November Parliament met, and, under the prevailing terror, in a month passed these statutes, which, severe as they were, hardly satisfied many of their supporters. Four of these Acts were applicable mainly to the disturbed districts. By the first, the

right of traversing was taken away in cases of misdemeanour: by the second, stringent means were provided for preventing illegal training and drilling; by the third, justices obtained additional powers for seizing arms; and by the last, means were given for more effectually preventing seditious meetings. Of the other two Acts, one was framed for the suppression of seditious and blasphemous libels, and by the other pamphlets were subjected to the same stamps and restrictions as newspapers. All inquiry into the events of the day was resisted by the Government, though, as we now know, the Commander-in-Chief was in favour of such a step, and against increasing the prevailing ferment by counter meetings in support of the conduct of the Government.[1] Having

[1] On the 5th of October, 1819, the Duke of York wrote to the Marquis of Buckingham, "In my opinion it is the duty of Parliament to investigate the subject, and satisfy the public mind. Should it be proved, which I hope it will, that no blame attaches to the magistrates or yeomanry of Manchester, the country will be easy on the subject, and there will be no pretext for clamours, which certainly would not be the case if the inquiry were refused. But if, unfortunately, it turn out, which I anxiously hope may not be the case, that there was impropriety in their conduct, then that, proving that equal justice is done to all parties, is the most likely way of assuaging the present feverish state of the public mind. We must be firm in supporting the Constitution and putting down the machinations of evil-disposed persons; but we must not afford a pretext for complaint, by attempting to stifle inquiry, or for want of proving ourselves to be on sound and good grounds. For these reasons I grieve to see different public meetings called, as they can only tend to increase present ferment; and, as none of us can know the real truth of the case, declarations, either in favour or against the conduct of the magistrates and yeomanry of Manchester, strike me as

obeyed its orders, Parliament adjourned to its usual time of meeting in the following year. It had hardly met more than a fortnight when the Regency came to an end by the death of the poor old King, and the Regent, who had practically reigned for ten years, became King in name as well as in reality. It was apparently only the change of a title. From its bearing on the conduct of her who was now Queen it became one of the most important domestic events of the period.

prejudging the question, and therefore as improper." Lord Grenville to the same, October 29, recommends the permanent and universal institution of autumn assizes, so as to try the parties without delay.—"The Regency," by the Duke of Buckingham.

CHAPTER II.

TRIAL OF BELLINGHAM FOR THE MURDER OF SPENCER PERCEVAL.

MAY, 1812.

SPENCER PERCEVAL, second son of John, first Earl of Egmont, was born in 1762, educated at Harrow and Cambridge, and called to the Bar in 1781, where his progress was assisted by the political influence of his family. In 1790 he married the sister of his elder brother's wife, whose fortune was a welcome addition to his fee-book. Though given one of those small sinecures which then abounded, and retained for the Crown in several leading cases, he was content to live in lodgings, until his appointment as Counsel to the Admiralty in 1796, when he came into Parliament for Northampton, the seat for which town became vacant by the death of a relative. He was now on the road to success; and though the effect of his speeches in Parliament was, to some extent, lessened by that absence of readiness in argument and reply which compelled him to prepare them diligently before delivery, he was always listened to with respect and attention, as a steady supporter of the Government. Step by step he rose in his profession, became

Solicitor-General to the Queen, and to the Board of Ordnance in 1798, to the University of Cambridge in 1800, and the year after Solicitor-General. Within a year the promotion of Law to the Chief-Justiceship opened to him the Attorney-Generalship, and placed him at the head of the bar of England.[1] In this position we have already seen him conducting the trials of Despard, Peltier,[2] and the cases arising out of

[1] Perceval originally joined the Midland Circuit, and was appointed Deputy-Recorder of Northampton. Married the second daughter of Sir Thomas Maryon Wilson, of Charlton, and made Surveyor of Meltings, a Mint sinecure, worth 132*l.* a year. Hence Sydney Smith's caricature of him as "The Sallow Surveyor of Meltings." Lodged over a carpet-shop in Bedford Street until, in 1796, he purchased, from his wife's settlement, a house in Lincoln's Inn Fields. In earlier years at the bar, a frequent speaker at the High Tory Club "The Crown and Rolls," where he ventilated such doctrines as the disestablishment of the Church, the surrender of Gibraltar, and others, which he lived to abandon. His pamphlet on Warren Hastings' impeachment first brought him into notice. In 1800 published a curious essay on Daniel xi. 3, 6, 7, and 40—45, anticipating the fall of the Papacy, and of Napoleon from his failure at Acre. Supported in Parliament bills for preventing the establishment of monasteries and convents by the French refugees, and the punishment of adultery as a crime; and opposed one for creating a company for the manufacture of bread, as a cure for the prevailing scarcity, on ground of creating a monopoly. All his important speeches were written out, and copies of them left among his papers, and also of some which, apparently, were never delivered. In one of the Reform debates, C. Fox said, "The hon. member complained of the ambiguity of my words on a former occasion. Why did he not complain earlier? Why take six weeks to make an epigram on my speech?"—Walpole's "Life of Perceval," vol. i.

[2] He exerted himself to get Mackintosh appointed Recorder

Juverna's letters. In these libels arising out of Emmet's rebellion, Perceval's interest as the Crown's legal representative was increased by his relationship to the Irish Chancellor, whose conduct formed the occasion for so large a portion of these attacks. So long as Juverna's letters were not traceable to a brother Judge on the Irish bench Lord Redesdale opposed the prosecution ; when, however, their real authorship seemed probable, he urged the prosecution of Cobbett —not to punish him, but in hopes, as the event proved, that he would give up the originals, and enable the Government to trace them to the right source.[3]

Refusing the Chief-Justiceship of the Common Pleas, on the death of Lord Alvanley, he continued as Attorney-General in the short-lived Administration of Mr. Addington, and on its collapse accepted the same position from Pitt, but only on the condition that Fox was not to be bargained with, that there

of Bombay, and on his return from India offered him a seat in Parliament.

[3] See Lord Redesdale to Perceval, Dec. 17, 1803: "If my character will not bear such a paltry attempt to injure it, it is not worth preserving. But of all things I should be sorry to have you the prosecutor." Same to the same, Jan. 2, 1804: "Has perused letter 4. No doubt the writer is one of H.M. Judges—the man who would have been sixth in the first Commission, had it not been confined to five." . . . . "If this man shall not be brought to resign, and if Mr. Justice —— shall not be brought to the same situation, the administration of justice in Ireland will be for ever disgraced." Then suggesting prosecution of Cobbett, for reason stated in the text, and ending, "In this point I think the prosecution of Cobbett highly proper. In any other I exclaim against it."—Quoted in Walpole's "Life of Perceval."

should be no more abuse of his friend Addington, and that no Catholic Relief Bill should be introduced. His defence of Addington from the attacks of Pitt, Fox, and Windham, are admitted to have been as able as they were sincere. "His talents," says Lord Brougham, "sparkled with peculiar brightness. His dexterity in any great or personal conflict; his language, always purely but unaffectedly English, nor ever chargeable with incorrect taste; his attention continually awake, and his spirit ever dauntless, gained him the greatest reputation as a great and powerful debater."[4] It was natural, therefore, that on the death of Pitt he should be regarded as the most effective, if not the most prominent member of the party, and that when he and his friends were in power he should be responsible for the policy of the country. Whilst out of office he was engaged in two cases of which we shall have to speak in detail in a subsequent chapter—the attempt of the Prince of Wales to obtain the guardianship of Lord Hugh Seymour's daughter for his friend Mrs. Fitzherbert, and the so-called "Delicate Investigation" of the charges brought by Sir John and Lady Douglas against the Princess of Wales. In both of these painful investigations he exhibited the same fearlessness and dauntless spirit as he did in Parliament, regardless of the ill-will of the Prince or the murmurs of his intimates.

On the resignation of the Cabinet of "All the Talents," and the consequent formation of that of the Duke of Portland, it was indispensable that Perceval

[4] Lord Brougham's "Statesmen," i. 248.

should be the ruling power in the Ministry, and at the same time not put to a pecuniary loss by his accession to political power. His practice at the bar, confined for some years to the Court of Chancery, when even out of office was so considerable and certain, and his family so numerous, that he could hardly be expected to sacrifice a comparatively permanent, and probably increasing income, for a temporary Cabinet appointment, especially such a one as that of Chancellor of the Exchequer, which, in those days, was far too poorly remunerated unless some other post was held *in commendam.* He was therefore given the Chancellorship of the Duchy of Lancaster for life, in addition to that of the Exchequer—and thus an occasion was furnished to the Opposition for carrying an address to the Crown not to repeat this unpopular act.[5]

In office, as is often the case with a successful captain of the Opposition, Perceval was not so able as when he sat on the other side of the House. Whether it was from anxiety for his wife's health or not, he certainly showed less nerve, less boldness, and less decision than before; and as he had no time now to write his speeches, they often lacked much of their former point and finish. There was enough, indeed, to tax the fullest powers of a leader of the House: the unpopular and unwise Orders in Council, in retaliation of the Berlin and Milan Decrees of Napoleon—

[5] Perceval's fees in 1795, 1012*l.*; in 1800, 1807*l.*; 1801 (Solicitor-General), 4021*l.*; 1802 (Attorney-General), 6600*l.*; 1803, 7540*l.*; 1804, 9700*l.*; 1805, 7779*l.*; in 1806 (out of office), 4558*l.*; whilst the Chancellorship of the Exchequer was only 1325*l.*, with an official residence.

the failure of the expedition to the Peninsula, despite the victory of Corunna—the miserable Convention of Cintra, and the disgusting exposures in the case of the Duke of York and his wily mistress—the motions against Perceval for interference in borough elections, and against Lord Castlereagh for the promise of a writership as a bribe for a seat, in addition to the usual financial trouble of the time. But, above all, his Cabinet was weakened by the bitter feeling between Castlereagh and Canning, the increasing illness of the Duke of Portland and his impending resignation, and the unconcealed objection of Canning to act under Perceval as the future Premier.

Difficult as was Perceval's position under the nominal lead of the Duke of Portland, its difficulty increased on the Duke's resignation and the hesitation of his colleagues to attempt to carry on the Government without a great accession of political strength. With the King's consent, Lords Grenville and Grey were invited to support the remains of the Cabinet which they had so steadily opposed when apparently strong and united. The invitation of course failed, and Perceval turned towards Lords Wellesley and Sidmouth, but at first with doubtful success, wishful to secure the friends of the latter—Bragge Bathurst, and Vansittart—without their leader. Lord Sidmouth almost necessarily refused. Lord Wellesley accepted, and assumed the direction of the Foreign Office. There was still the difficulty of finding a new Finance Minister. Vansittart, Palmerston, Milnes, and Rose, one after the other, declined the post; and in the end Perceval had to double his duty, and keep his old

office, in addition to the Premiership. He would probably have recoiled from the task, but for his devotion to the old Monarch.[6] With Ministers weak and uncertain of support, in the face of an Opposition eager and confident, the Ministry of Perceval met Parliament in 1810; and though they carried the Addresses in both Houses by large majorities, were soon convinced of their weakness in the House of Commons. The Committee on the wretched affair at Walcheren was carried against them, and three times they were defeated on the reappointment of the Committee on Finance, by small majorities When, subsequently, the Walcheren Committee presented their report, necessarily condemnatory of the affair, the Government succeeded in defeating the vote of censure, and in obtaining votes approving the expedition, the retention of the island, and the fatal delay in its evacuation. On one incident connected with this expedition they suffered a severe defeat. Lord Chatham had sent his letter of explanation direct to the King, and not through the usual medium

[6] Lord Colchester's Diary, vol. ii. 225. The King's personal influence during his sanity was all powerful with the leaders on both sides. Lord Melville's temporary opposition to his son taking office, for a time increased the difficulties of Perceval. (See Trial of Lord Melville, *ante*, vol. i. p. 222.) Though the Chancellorship of the Exchequer was thus refused, the feeling towards Perceval may be seen from Milnes's words to Lord Palmerston: "We must fix this little fellow firmly in his seat, for it is a struggle for principle on the one hand against trimming and political intrigue on the other."—Quoted in the "Life of Palmerston."

of the Secretary of State. The King had returned it to Chatham for alterations, and only then it reached the usual authority. Whitbread's resolutions condemning this as unconstitutional were carried, and Lord Chatham resigned his post as Master-General of Ordnance. Further Ministerial changes followed, by which the Government was completed, but not strengthened, though it was still able to remain in power.

The questions of the privileges of the House of Commons, raised in the case of Sir Francis Burdett, were a relief to the Cabinet, as for nearly three months they diverted the attention of members from subjects on which Ministers might have been hard pressed, if not defeated. During the Walcheren inquiry, on the 6th of February, 1810, Mr. C. Yorke moved for the exclusion of strangers, in ill-judged and offensive language. "He did not wish," he said, "to establish such a power in the Press as to enable it to control Parliament. He did not know any of the conductors of the Press; but he understood them to be a set of men who would give in to the corrupt representations of both sides, and therefore he was determined not to lend his hand to abrogate an order which was made to correct an abuse." At the next meeting of a debating club in Covent Garden, it was announced by placard that the subject for discussion would be, "Which was the greater outrage on public feeling, Mr. Yorke's enforcement of the standing order to exclude strangers from the House of Commons, or Mr. Windham's recent attack

on the liberty of the Press?"[7] Yorke at once had the printer at the bar of the House, when he expressed contrition, gave up the author's name—an apothecary of the name of Gale Jones, previously known as a member of the Corresponding Society—and thus escaped with twenty-four hours' imprisonment. Not so Gale Jones, who was defiant, and sent to Newgate. A motion for his release was defeated by an overwhelming majority, and then Burdett took up the cudgels in the Press.

In the form of a letter to his constituents, published in Cobbett's *Register*, denying the power of the House to imprison Jones, he declared, in most offensive language, that "the character and personal freedom of his constituents depended on the decision, 'Whether our liberty be still to be secured by the laws of our forefathers, or be to lie at the absolute mercy of a part of our fellow-subjects, collected together by means which it was not necessary for

[7] The following was the placard:—

BRITISH FORUM,
33, Bedford Street, Covent Garden,
MONDAY, FEB. 19, 1810.

Question (as quoted in the text). Last Monday, after an nteresting discussion, it was unanimously decided that the enforcement of the standing order shutting out strangers from the gallery of the House of Commons, ought to be censured, as an insidious and ill-timed attack on the liberties of the Press; as tending to aggravate the discontents of the people, and to render their representatives objects of jealous suspicion. The present question was brought forward as a comparative inquiry, and may justly be expected to furnish a contested and interesting debate.

Printed by J. Dean, 57, Wardour Street.

him to describe.'" To this letter, which was published in the *Register* of March 24, was appended a copy of the long and detailed speech by which he had supported the motion for the release of Gale Jones. At the end of this report, appeared the paragraph deemed so insulting by the House. In it he professed to "fear that unless the gentlemen of the House of Commons revert to the great principles of the constitution they might incur the sentence of St. Paul on Ananias, 'God shall smite thee, thou whited sepulchre, for thou sittest to judge me according to the law, and commandest me to be smitten contrary to the law.'"[8] Lethbridge brought this letter before the House, and Burdett, whilst professing not to intend to violate its privileges, adhered to the opinion he had expressed, and then left the House. Several motions for adjournment, or merely a reprimand, having been defeated, a resolution for his commitment was passed, and the Speaker's warrant handed to the Serjeant-at-Arms. Burdett shut himself in his house, and resisted the warrant, which, under the advice of the Crown lawyers, was at length executed by force, and Burdett conveyed to the Tower. Of the street riots that ensued it is needless to speak. They were quelled, and the case passed into the hands of the lawyers. Actions were at once commenced by Burdett against the Speaker and the Serjeant-at-Arms, and the question arose, how should the House act. Perceval opposed the high-handed course—which precedent justified—of committing the attorneys who had brought the

[8] Cobbett's *Political Register*, March 24, 1810.

actions. By his influence the question was referred to a committee, and on its report it was ordered that the cases should pursue the usual course, and the House defend its Speaker and its Serjeant. On the trials the Court held that the House had acted within its power, and its officer was justified by its authority. This judgment was confirmed by the House of Lords, to which tribunal the case went on writ of error, the lords ultimately deciding on the privileges of the Commons. On the prorogation, but not till then, Burdett and Jones were released; and beyond the refusal by the House of some offensive petitions from Westminster, the Livery of London, and several counties, the interlude came to an end.[9]

It would be mere repetition of former remarks were the difficulties and intrigues attendant on the Regency Question again discussed. It was admitted even by his political opponents that Perceval gained great credit for the manner in which he conducted this most difficult affair, mainly, if not, as was said, entirely by his own exertions, unassisted by any of his colleagues. He knew the character and habits of the Regent too well to warrant his placing any confidence in one of whom he had not hesitated to

[9] A triumphal procession was arranged for Burdett, who wisely slipped away from prison and got home before his partisans knew of it, who were not a little disgusted at his evasion of the meditated triumph, and the loss of a chance of another riot. Gale Jones refused to leave Newgate, but was got outside the gates on the pretence that a friend wanted to speak to him, and then having them locked in his face, so had to slink home without public notice.

say, in open court, that no guarantee of his for any payment could be accepted, "as there was no reason to believe that he would keep his promise. He knew that his insolvency would make the Regent the temporary friend of any politician who would increase his allowances and pay his debts."[1] He had, and he no doubt greatly relied on, the support of the Queen and some of the Royal Princes. Whether or not, he held *in terrorem* over the Regent his knowledge of the disclosures and of his conduct in the Delicate Investigation, he had good reason to assure himself that he was about the last man with whom the Regent would quarrel, if it could be avoided. His real danger was from one of his colleagues, the ambitious Wellesley, who never ceased intriguing to supplant Perceval in the Premiership, which he looked upon as his rightful position.

"Born," as he believed, "to command, Lord Wellesley had not the patience to yield. His high nature chafed at the repeated defeats of the Cabinet. He had persuaded himself that he should be first,

[1] In arguing against the motion to place the infant daughter of Lord Hugh Seymour under the guardianship of Mrs. Fitzherbert instead of Lord Hertford, when the guarantee of the Prince of Wales was offered for the payment of the proposed allowance, Perceval opposed on two grounds—first, that he was insolvent; second, that there was no reason to believe that he would keep his promise. The Prince, who took the strongest personal interest in the motion, and who, when defeated in the Court of Chancery, had the case taken up to the Lords and personally canvassed peers for their support, told Romilly, with an awful oath, that "he felt as if he could jump on Perceval, and stamp his ife out with his feet."—Brougham's "Statesmen," vol. ii. p. 63.

and he could not brook being second." To the rapidly arriving expiry of the restrictions on the Regent, he looked as the opportunity for the attainment of his object. Nominally he had two grounds for dissenting from Perceval—his starving, as he called it, of the Peninsula War, and his refusal to allow the question of the Catholic claims to be considered in the Cabinet. Neither was the true reason. This was, his promise to the Regent to get a larger increase of his allowances, on the expiration of the restrictions, than Percival deemed right in the state of the finances and the strain upon the resources of the country at such a period of distress. To endeavour to effect this he treated privately with the Prince; and when he was out-voted by his colleagues, who were firm in their resistance to such extravagance, he tendered his resignation to the Regent himself, and not to his leader, to mark the position which he wished to assume as the Regent's friend.

A few days before the restrictions on the Regency expired, the form was gone through of inviting Lords Grey and Grenville to join the Cabinet, through the medium of a letter from the Regent to his brother of York, who was to communicate its contents to Opposition leaders. It is now known that this proposal originated from the Cabinet, by whom the original draft of the letter was prepared, but in a totally different form to that in which it eventually appeared.[2] The Cabinet draft explained why the

[2] Among Perceval's papers is this document, endorsed, "Draft letter, prepared pursuant to H.R.H. the Prince Regent's directions."

Regent felt that he could not make any change in his councils, and after discussing the state of the war thus concluded, "I thought it became me rather to sacrifice those considerations of personal regard which I still entertain, and which might otherwise have influenced my conduct, than abandon, as I must necessarily have done, by a total change of Administration, those principles of policy which, whatever might be the case in any other situation of affairs, appear to me, under all the circumstances of the present moment, most conducive and essential to the welfare of the country." This draft, we are told by an anonymous correspondent of a great Whig noble,[8] was rejected by the Regent, and another written, in which, whilst adhering to the present policy of the Cabinet in the prosecution of the war, he invited Lords Grey and Grenville to join the Cabinet of Percival. That such a proposal should be rejected was only to be expected. The Regent professed to wish that it should be accepted. Percival knew it

[8] Anonymous correspondent to Marquis of Buckingham, in which he speaks of the gross weakness and dissimulation of the principal (the Regent); that he communicated his intention to his Cabinet; that then the letter was drafted; sent on Wednesday, February 12, to Carlton House, when the Regent abused its style, and regretted that Perceval "wrote in a style that would disgrace a washerwoman," but he was too much of a gentleman to alter it, so a fresh one was written; shown to Perceval and Wellesley; the former remonstrated, the latter approved, and asked the Prince what subsequent course he should pursue. "I wish you, Wellesley, to act for me in any conference, and Perceval for his friends," said the Regent. "If Perceval acts," Wellesley replied, "it will end in nothing," and persuaded him to name Lord Moira.

must fail. Lord Grenville with bitter truth said, "I have once been betrayed by the King, and I have no taste for affording his son the same opportunity, when I have little cause to doubt he has the same disposition."[4] "He has proposed," writes Romilly, "a coalition of Lords Grey and Grenville with Perceval, a proposal which he knew must be rejected. The very proposal indeed imports that a total sacrifice of honour and character was a necessary qualification for entering into the Prince's service. He says in his letter that 'he has no predilections to gratify'[5]—a dangerous statement at the commence-

[4] Lord Grenville to the Marquis of Buckingham, February 13, 1812, in which he shows that he was annoyed at the communication being made to Grey instead of himself, and regarded it as an attempt to disunite them, and adds "Grey is equally indisposed to coalesce with Wellesley and Perceval, and believes it will all end in the retention of Perceval, with Castlereagh and Sidmouth"—as it did.—"Regency."

[5] The "no predilections" in the letter was amusingly caricatured by Tom Moore, in the verses beginning—

"At length, dearest Freddy, the moment is nigh,
When, with Perceval's leave, I may throw my chains by;
As time now is precious, the first thing I do
Is to sit down and write a wise letter to you.

. . . . . .

I am proud to declare I have no predilections,—
My heart is a sieve, where some scatter'd affections
Are just danced about for a moment or two,
And the *finer* they are, the more sure to run through:
Neither have I resentments, nor wish there should come ill
To mortal—except (now I think on't) Beau Brummell,
Who threaten'd last year, in a superfine passion,
To cut me, and bring the old King into fashion,—
So Royally free from all troublesome feelings,
So little encumber'd by *faith* in my dealings."

ment of his reign, considering his past conduct and past professions. It will be understood to mean that there are no injuries he will not forgive, and no services that he will not forget. A declaration better calculated to estrange from him all his friends, if he has any remaining, and to invite the most violent personal opposition to his Government (since everything at a convenient time may be forgiven), could hardly be invented."

The untoward war with the United States in 1812 is so usually laid to the charge of Perceval and his Cabinet, in persevering in the maintenance of the Orders in Council, that a brief summary of their history is advisable. At the close of Pitt's second Ministry our difficulties with the United States had already commenced, in consequence of the permission given to French privateers to fit out in American harbours and the opposition offered to our claim of search for deserters on board American ships. On the accession of Fox a Convention on these delicate points was arranged, but its confirmation refused by the President. When the Cabinet of "All the Talents" came into office, the blockade of all the ports of France and her allies was declared. To this Bonaparte replied with the notorious Berlin and Milan Decrees, declaring our islands in a state of blockade—which he had not the power to enforce—and prohibiting neutrals from carrying on trade with us. Our retaliatory Orders in Council practically closed the Continent of Europe to all direct trade, thus severely restricting the carrying trade of the United States. Matters were carried on by us with a high

hand; and on deserters being taken by us by force from an American man-of-war, Congress suspended intercourse with all foreign States. This step was followed by the Non-Intercourse Act, prohibiting all communication with England or France so long as our Orders in Council and the Decrees of Bonaparte were maintained. This brought some concessions from England. In 1809 a new Order in Council practically opened to America the trade to ports in the German Ocean, the Baltic, the foreign possessions of the Dutch, and part of Italy. America, however, still remained unsatisfied. On the accession of Perceval the diplomatic correspondence with America was renewed on a new basis, Napoleon offering to withdraw his obnoxious Decrees if we would cancel our Orders in Council, but ingeniously adding another condition, the simultaneous renunciation of what he called our "new principle of blockade." The American Envoy applied to Lord Wellesley to repeal the Orders. Wellesley hesitated, though the repeal of the Decrees had been officially announced in the *Moniteur*. He did not object indeed to repeal the Orders in Council, but firmly refused to abandon our right of blockade. On this the American Ambassador left the country, and the war commenced. It has not been unfairly asked by the biographer of Perceval, that if the withdrawal of the American Ambassador was due solely to the Orders in Council, which were issued by Fox in 1807 and 1808, why was it postponed until 1812?

When the monetary crisis arose in 1811, due to the collapse of an inflated trade and commerce, and the

consequent fall in the price of gold, the leaders of the Opposition attacked the Orders in Council as its origin. They urged that, thanks to the system of licences and other evasions of their provisions, they had no injurious effect on the trade of France, but really crippled that of England, and involved us in dispute with America. In this policy they were largely supported by the manufacturing interests, by whom the decrease in their trade, and consequent distress of their workpeople, was attributed to the obnoxious policy. At the opening of the Session in 1812 several motions were made on the subject—at first without effect, though the defection of Canning, who had hitherto supported the Orders, gave additional force to the ranks of the Opposition. Encouraged by this change of opinion on the part of this powerful and popular politician, the manufacturers besieged the House with petitions, with such effect that when, on the 28th of April, Lord Stanley moved that these should be referred to a Committee of the whole House, the Government saw the necessity of yielding, and witnesses were ordered to attend, in the examination of whom Brougham took the lead, bringing all his forensic powers to bear on the subject.

On Monday, the 11th of May, the Committee resumed its examination of witnesses; and whilst one Hamilton, a manufacturer from the Staffordshire Potteries, was being interrogated by Brougham, the sound of a shot was heard, and, after a few minutes of suspense, a confused murmur ran through the House that some one had been shot. There was a rush to the door, and Perceval was, to the horror of

friend and foe, seen to be the victim. His absence when the Committee opened had been complained of; he had been sent for, and with his characteristic energy had darted forward to the House. The lobby was comparatively full, and a tall man in a tradesman's dress was standing by the entrance. As Perceval hurried in, this person was seen to draw a pistol, place it close to his victim's breast, and fire. For two or three paces Perceval walked on, and then faintly uttering, "Oh, I am murdered!" fell on the floor at the feet of one of the members, who, until he raised up the body, did not recognize the murdered man. An officer of the House called out, "Where is the rascal that fired?" when the tall man rose from a seat and said calmly, "I am the unfortunate man." He was seized by General Gascoyne, taken at once into the House, to which the Speaker had been hastily summoned, and identified as John Bellingham, a persevering petitioner, whose complaints were known to nearly every member. When searched, another pistol was found on him, and some papers relating to his grievances, and, until the arrival of a magistrate, he was placed under a strong guard of members in the prison-room of the Sergeant-at-Arms.

In the meantime, the body of Perceval had been carried to a room in the Speaker's house, medical aid obtained, but in vain, and the terrible news broken to his wife by Lord Redesdale. The effect on her was overwhelming; she neither wept, nor spoke, nor appeared to be sensible of her loss, or of anything that was afterwards said to her. In this dazed state she

remained until near mid-day on the Tuesday, unaffected apparently by the attempts of her friends to rouse her by dwelling on the details of the murder. At length her state excited such apprehension that it was determined, as the last expedient, to take her to the room where the body lay. Happily for her intellect the experiment succeeded: she burst into tears the moment she saw her murdered husband. When sufficiently composed to think and speak on the subject, she opposed with firmness the universally expressed desire for a public funeral, as inconsistent, not only with the wishes of herself and the family, but with the simple and unostentatious habits and feelings of her husband.

On his examination before Sir John Hippesley, when, General Gascoyne and others having briefly detailed the incidents of the murder, he was cautioned, Bellingham said, "I have admitted the fact. I admit the fact, but wish, with permission, to state something in my justification. I have been denied the redress of my grievances by the Government; I have been illtreated. They all know who I am, and what I am, through the Secretary of State and Mr. Becket, with whom I have had frequent communications. They knew of the facts six weeks ago, through the Magistrates at Bow Street. I was accused most wrongfully by a Governor-General in Russia, in a letter from Archangel to Riga, and have sought redress in vain. I am a most unfortunate man, and feel here (placing his hand on his breast) sufficient justification for what I have done." On Lord Castlereagh telling him that he had better

reserve his defence, he added, "Since it seems best to you that I should not now explain the causes of my conduct, I will leave it until the day of my trial, when my country will have an opportunity of judging whether I am right or wrong." [6]

Bellingham's was a sad history. Born at St. Neots, where his father was a land-surveyor, he had commenced life as a jeweller's apprentice, and then been nominated to an Indian cadetship. Being wrecked on his voyage out, he abandoned the army, returned home, and set up as a tinplate worker. Misfortune again fell on him; his house was burnt down, his business ruined, and himself made a bankrupt. Again he started in life, as an insurance broker, without capital, made an unhappy marriage, and entered a merchant's office at Liverpool. By his employers he was sent as their commission agent to Archangel, whence he drew bills on them to the extent of 10,000*l.*, made no shipments, spent the money, returned home, and was arrested. Again he returned to Archangel, where he was arrested for debts in Russia, appealed in vain to our Ambassador, who declined to interfere as his arrest was legal, and remained in the misery and suffering of a Russian prison for five years. On

[6] The *Times*, of May 13, 1812. He appears to have called on General Gascoyne about three weeks before the murder, and entered fully into his grievances. "During this conversation he was as calm and collected as any man could be, and had not the least appearance of an insane person. He was much agitated when seized by me, more composed before his examination, and quite calm before he went to Newgate."—General Gascoyne's evidence.

his release he returned to England, and persistently pressed the Government for redress. It was in vain that Lord Leveson Gower and Mr. Perceval told him that Government could not interfere, and that all that he suffered was legally incurred by his own conduct. He printed a petition to the Privy Council, solicited the assistance of Members of Parliament, and applied to a Magistrate for redress, but of course in vain.[7] These rebuffs, working on a mind constitutionally irritable and disposed to madness, and perhaps weakened by his imprisonment in Russia,

[7] Among the Perceval papers, found in the Treasury vaults many years after his death, was a packet of Bellingham's letters, from which it appears that his first petition to Perceval is dated May 22, 1810. In it he states the failure of his petition to the Privy Council, on the ground of its being of a nature not within the power of their lordships to grant, and solicits "his Excellency," as he styles the Minister, for leave to petition the House of Commons. This petition he appears to have brought in person to Downing Street, as it bears the endorsement of Herries as private secretary, answering verbally "that Mr. P. could not give permission, May 22." On the 26th Bellingham wrote "complaining of this refusal as excluding him from bringing a petition, which is the birthright of every Englishman," and enclosing a copy of the previous petition. To this the private secretary replied, that "the time for presenting petitions was past, and that Perceval could not encourage him to expect his sanction in introducing a petition which he thought was not of a nature for the consideration of Parliament." No more communications appear for two years, and then only the printed circular of March 12, 1812, recapitulating his previous correspondence, and sent to Perceval, in common with every other member of Parliament. To this no reply appears to have been given.—See Walpole's "Life of Perceval," vol. ii p. 295, *et seq.*, in which these papers were first published after their discovery.

determined him to be revenged on Ministers. Against any one of them personally he had no malice. For a fortnight he had been making up his mind to the deed, and had it been Lord Leveson Gower or Mr. Ryder who had first passed him in the lobby, and not Percival, he would have fired at either.

As the sessions were sitting at the time of the murder, Bellingham was put upon his trial, with improper if not indecent haste, within three days of the tragic event. On Friday, the 15th of May, he was arraigned at the Old Bailey, before Sir James Mansfield, Baron Graham, and Mr. Justice Grose; the Attorney-General and Garrow appearing to prosecute, and Alley for the prisoner. As soon as Bellingham was placed in the dock his counsel applied to the Court to postpone the trial, on the grounds of its suddenness, and that if time was allowed there was every reason to believe that he would be found and be proved to be insane. The application was at once resisted as premature before the prisoner had pleaded, to which the Court agreed, on the poor technicality that until he had pleaded they did not know that he was before them. The indictment was then read, and on being called on to plead, Bellingham himself craved for time, to enable him to prove what he conceived to be his justification.

"My lords," he said, "before I can plead to this indictment I must state, in justice to myself, that by the hurrying on of my trial I am placed in a most remarkable situation. It so happens that my prosecutors are the witnesses against me. All the documents on which alone I could rest my defence have been taken from me, and are in the possession of the Crown.

It is only two days since I was told by Mr. Litchfield, the solicitor to the Treasury, to prepare for my trial, and when I asked for my papers he told me they would not be given up to me. It is, my lords, utterly impossible for me to go into my justification; and under these circumstances in which I find myself, a trial is absolutely useless. The papers are to be given up after my trial, but what will that avail me for my defence? I am not ready for trial."

The Attorney-General explained that the prisoner had been offered copies of all his papers, and that the originals were in Court. He was therefore called upon to plead, and pleaded Not Guilty. His counsel renewed his application for delay, on two affidavits. In the first of them a Mrs. Anne Bellet, of Southampton, who had known Bellingham for many years, stated that she had hurried up to London as soon as she heard of the event, and only arrived on the previous day. She had not, therefore, had time to apprize many persons who, to her knowledge, could be important witnesses, and especially a Captain Barker, who could prove material facts tending to show the insanity of Bellingham. "That he was insane she had no doubt, and that he had been in a deranged state of mind for a long time previous to the murder." In this opinion she was confirmed by the other witness, Mrs. Clarke, of Newgate Street, who swore that ever since he came from Russia, two years ago, Bellingham had not been sane. On these statements, and the lateness of the instructions of himself and his junior, Alley again pressed, in mercy, for a postponement of the trial. Gibbs, in opposition, urged the vagueness of the statements and the absence of any mad doctor. Alley in vain, however, replied that there had hardly been

time for such a step ; that they had, indeed, advised such a course, but that one doctor could not come, and the other never had the courtesy to reply to the request for his attendance. The Court, through its Chief, grounded its refusal on the statements not being sufficiently detailed as to his habits since his return from Russia, and in reality vague. "The question," said the Chief, "was not whether he was once in such a state as to have done any outrageous act of insanity, but whether at the time of the offence he had a sufficiency of understanding to make him answerable for his acts." That he laid down the rule of law correctly, no lawyer doubts ; but the Chief Justice might have borne in mind that the state of Bellingham's mind at the moment of the act was likely to be largely influenced by its state within so short an interval as his return from Russia.

As the facts of the case were undisputed, it is needless to repeat what has been given in the previous narrative. When called on for his defence, Bellingham wished to leave it to his counsel. He was told that their mouths were closed, and that he must make his own defence. This he did in a rambling speech of nearly an hour's duration, interspersed with the reading of the petition to the Privy Council, and the letters to Ministers, which had been given him in Court, and comments on the sufferings he had experienced in Russia, and the neglect which he had suffered from Ministers. To the plea of insanity put forward by his counsel he objected, and thanked the Attorney-General for resisting it, as it would not have answered the purpose of justification. He was obliged to his

counsel for their intentions, but declared that he had never incurred the charge of insanity, with the exception of a single instance in Russia, when the pressure of his sufferings had exposed him to that imputation. He was deeply grieved for the lamentable event, and solemnly disclaimed any personal or premeditated malice against Mr. Perceval, "on whom the unfortunate lot had fallen only as a leading member of an Administration which had refused redress for his unparalleled wrongs." It was on this absence of personal malice that he rested his defence, harping on the technical term "malice prepense" towards his victim, which he again and again denied.

Notwithstanding Bellingham's repudiation of the plea of insanity—no slight evidence, in the eyes of some doctors, of insanity—the few witnesses who could be obtained were called. Mrs. Phillips, who had known him from his childhood, spoke to his father having died insane, and to Bellingham having been deranged at intervals during his life, and particularly since his return from Russia, and whenever he talked on that painful subject. Mrs. Clarke repeated the statement previously quoted from her affidavit; and the servant at his lodgings spoke to his manner for the past four months as confused and deranged, and particularly on the Sunday previous to the deed. Sir James Mansfield's charge was merely an amplification of his previous statement of the rule of law as to the plea of insanity; and after a brief absence from Court, the jury returned the inevitable verdict of "Guilty." Condemnation and execution followed with the usual cruel rapidity of that day, and on the seventh day

after his fatal act he expiated his crime on the scaffold.

That Bellingham was, if one may use the term, morally, though not legally, mad, few would now doubt. Even at the time Romilly thought him mad, but added, that it was a species of madness which probably ought not, for the security of mankind, to exempt a man from being answerable for his actions[8] —a strange opinion for so good a man and so sound a lawyer. Surely if a man is mad, he is not responsible for the act he commits during his madness. If he is not responsible, is it less than murder to make him answerable for his actions? What a contrast does the indecent haste with which the prosecution was pressed on offer to the merciful delays which were permitted in the case of Oxford, the assailant of the Queen in our own time! Then not only was he subjected to careful examination by medical men on the part of the Crown, but every opportunity offered of his being examined by other doctors on his own part,[9] and full time given to his friends to gather the witnesses who could speak of his previous habits and detail his eccentricities. Whether or not we agree in the value of the evidence thus obtained, we cannot but approve the feeling of fairness towards the prisoner on the part of the prosecution, which gave every facility for its production.

The intense excitement caused by the dreadful event, and the universal feeling of respect for Perceval as a man, by men of all shades of politics, were shown

[8] Romilly's "Autobiography," vol. iii p. 36.

[9] Oxford, for shooting at the Queen, July, 1840.

in the liberality of the provision at once made for his family. The proposal of Government, liberal as it was, was increased, against their views, by the House of Commons; and though objections, on the same ground as had been raised in the case of Pitt, were made to the erection of a public monument, it was voted almost unanimously.[1] Even the party poet could not but join in the universal regret, and bury political animosity in his early grave.

"In the dirge we sang o'er him no censure was heard,
Unembitter'd and free did the tear-drop descend;
We forgot in that hour how the statesman had err'd,
And wept for the husband, the father, the friend."[2]

[1] The Government proposed a grant of 50,000*l.* for the family, and an annuity of 2000*l.* a year for the widow. This annuity, in opposition to Government, was continued to the eldest son for life, and subsequently, on the motion of Mr. Huskisson, 1000*l.* was voted to the eldest son during his mother's life. The vote for a national monument was carried by 199 to 26.

[2] Tom Moore, "Lines on the Death of Mr. Perceval."

CHAPTER III.

THE LUDDITES.

1811 TO 1813.

TRIALS AT YORK, 1813.

THE combination of the Luddites was the most serious conspiracy of workmen, and the most protracted, that threatened the peace of the country and the safety of life and property in the earlier part of the present century. Taking its name from a poor idiot of the name of Ludd, who, at the close of the previous century, had, in a fit of irritation, destroyed a couple of stocking-frames, it eventually developed into an organized conspiracy for the destruction of machinery, in the Midland manufacturing counties, under a stringent oath of secrecy, and formed the active principle of the violence which pervaded the Reform riots of 1817 and the agrarian outrages of the followers of Captain Swing in later years. In the autumn and winter of 1811, Luddism began to work its mischief among the weavers of Nottingham, with the object of destroying a new and wider kind of frame requiring less manual labour, which had lately been introduced by the manufacturers. By the November of that year

punishment for such offences had been raised from transportation to death.

Though the vigorous measures resorted to by the Corporation of Nottingham at the opening of the year 1812 compelled the frame-breakers to be more cautious in their acts, they only led them to be more secret and ingenious in their operations. The watchers were watched, and if they were absent only for a short period from their duty, Ludd's bands were, by a concerted signal, gathered on the spot, the house or factory was entered, the obnoxious machinery destroyed; and the rioters dispersed on the slightest alarm, by the signal gun of their captain. As not only the mills were scattered through the villages, but many frames were worked in the cottages of the weavers, the property was peculiarly open to attack, and difficult of defence by the authorities. Sometimes the rioters blackened their faces as a disguise. Generally, however, and especially as their organization increased in power and numbers, they despised disguises, and went openly about their mischievous work. Their precautions showed that their leaders were not without some military skill, placing sentinels at the doors of houses near the mill they were attacking so as to prevent assistance from neighbours, and forming their bands in military fashion.[1] Their move-

[1] The following extracts from the *Annual Register*, Jan. 13, 1812, will give an idea of their violence and organization:—An elderly woman who had had her frames broken, and had sworn to some of the parties, was obliged to be removed with her furniture under a military guard to Nottingham. Jan. 19th.—Attack on the house of Mr. Benson by forty men disguised, and

ments were rapidly extended into the neighbouring counties, especially in the vicinity of Leeds and Huddersfield, where some of their most violent and destructive outrages were committed.[2] Of the mills marked out for destruction a regular list was kept, and circulars sent to their owners threatening them with the destruction of their property if they did not cease to use the new machinery.[3] In their attacks on

armed with pistols. Sentinels put at the doors of his neighbours, whilst a party of eight men entered, drove the family into a back room, and broke eight frames in as many minutes. In the case of a workman at whose cottage they broke two frames, violence was offered to the man and his wife, and when he attempted to seize one of the rioters they forced their way out through a crowd collected in front of the cottage, under threats of death if stopped.

[2] They extended to Yorkshire, where a mill was burnt, near Leeds, January 25. Under date the 29th they are reported to have crossed the Trent, evading a troop of Hussars, and to have attacked a party of soldiers who were guarding a house, keeping guard over them with their own muskets, and then, when they had done their work, liberating them and wishing them good night. Yet at this time three regiments, a large body of local police, and eight Bow Street officers, were in the vicinity.

[3] Feb. 14.—Threatening letters sent to the manufacturers at Manchester that they would burn their works, and a circular to the houses marked for destruction. The first house on this list, the mill of Messrs. Haigh, Marshall, and Co., was burnt. Feb. 24.—At Mr. Harvey's the rioters were rescued by twenty-five of their comrades, dressed in soldiers' great-coats taken from the picquet which was coming to arrest them. March 9.—Outrages continued near Huddersfield. In one case, after the mischief had been completed the captain drew up his men in order, calling them over by each man's number instead of his name, and then, after a *feu de joie* of pistols, they dispersed March 23.—The same form gone through at the attack on

the cottages and houses of the scattered weavers they were, uniformly, successful, and except in the case of Mr. Cartwright's mill near Dewsbury, and that of another proprietor near Leeds, they succeeded in breaking in, destroying the frames, and, in several cases, burning the factories. Some few, very few indeed of the manufacturers, defended their mills with vigour, and inflicted severe punishment on the assailants.

Though from the scattered position of the property assailed, and the secrecy with which the attacks were planned and executed, the authorities appeared almost powerless to avert the ever increasing mischief, many of the inferior actors were seized and brought to trial at Lancaster and Chester. Still, however, though military had been sent to the disturbed districts, the rioters continued their acts of violence, confining them, at first, to property, and doing but little violence to persons beyond binding them, under threats of vengeance, to abstain from the use of the new machinery. In April murder was added

Thompson's mill, at Rawdon, near Leeds. April 11.—Attack on cloth-factory of J. Foster, at Horbury, near Wakefield, by a large body of armed men, who secured all the approaches to the mill, destroyed all the dressing-frames, shears, and warp ready for weaving, and the windows of the dye-houses and dwellings adjoining. They invested the house of Foster's son, pulled the inhabitants out of bed, demanded the keys of the mill, under threats of death. Two of these persons they left naked on the floor, and took the third with them to the mill. They also set fire to the bookkeeper's house. When the destruction was complete, they were called over by their numbers in a neighbouring field by the captain, who then said, "The work is done; all is well. Disperse."—*Annual Register*, 1812, under the above dates.

to their previous violence. Near Nottingham a manufacturer was shot dead on his own doorstep; near Huddersfield Mr. Horsfall, another manufacturer, was assassinated on his way home from market.[4] For months the murderers were not discovered, the vows of the Luddites' oath of secrecy had been observed with a faithfulness worthy of a better cause.

Towards the autumn of 1812, partly, probably, through fear of being anticipated in their revelations by some other weak-kneed brother, or tempted by the rewards offered by the authorities, approvers came forward: there was treachery among the conspirators. In addition to such witnesses, persons were sent from other counties into Yorkshire, to throw themselves in the way of the Luddites, and by a profession of a wish to join them, to get at their secrets and fix the guilt on the most active of their leaders. York gaol steadily filled with prisoners, including the assailants of more than one mill and the murderers of the ill-fated Mr. Horsfall. The necessity for immediate action was realized by the Government. Half the value of

[4] April 26.—Steam-weaving factory of Wroe and Duncraft, at West Houghton, near Manchester, burnt. No one taken; the mill unprotected. 30th.—Mr. Cartwright shot at thrice. Mr. Horsefall murdered. Reward openly offered by the Luddites for the Mayor of Nottingham, *dead or alive*, because of signing the offer of reward for the discovery of the assassin of Mr. Trentham, shot on his own doorstep. Seizure of Secret Committee at Bolton. Attempts to seduce the military; five years' bounty, and 15*s.* a week offered to deserters. A female witness killed whilst being taken, escorted by the military, to make her deposition before a magistrate.—*Annual Register*, 1812, under the above dates.

conviction and punishment would be lost, if the trials were put off to the Spring Assize of 1813, and the effect of the terrible example thus lessened. In the winter, therefore, a Special Commission was issued for an Assize at York, where fifty prisoners were awaiting trial for their shares in Luddite outrages. The evidence produced at this assize revealed the whole system of Luddism. Many of the charges were for simple robberies with more or less violence, but in the following cases crimes of a far more serious nature were clearly brought home to the accused.

On the 4th of January, 1813, the Special Commission for the trial of the Luddites in Yorkshire was opened at York by Baron Thompson and Justice Le Blanc. In his charge to the Grand Jury, Baron Thompson passed in review the various statutes applicable to the cases which would come before them, from the Riot Act of George the First's time to the special statute passed only in the previous July, by which the administering of an oath binding the party taking it to any treason or murder was raised to a capital offence, and making the taker of the oath liable to transportation for life unless he disclosed the act.[5] After four persons who, under the pretence of

[5] 1 Geo. I., the Riot Act, pulling down a building, felony, without benefit of clergy; 9th Geo. III. and 43rd Geo. III., cap. 58, pulling down or setting fire to a mill, capital offence; 22nd Geo. III., destroying serges or other woollen goods in a loom, or any tools for making the same, felony, without benefit of clergy; 37th Geo. III., cap. 123, administering unlawful oaths, transportation; 52nd Geo. III., cap. 104, administering an oath binding the taker to commit any treason, murder, &c., death; the taker to be transported, unless he discovers the act.

being Luddites, had committed a burglary at the house of a manufacturer and stolen money and goods, had been tried and found guilty, the trial of the murderers of Mr. Horsfall was proceeded with. For this three persons, George Mellor, William Thorpe, and Thomas Smith were arraigned, the prosecution being conducted by Park and Richardson.

From the opening speech of counsel, it appeared that the victim of this brutal outrage was a manufacturer at Huddersfield, employing 400 men, and uniformly a good master. After the Spring Assizes at Lancaster in the previous year, when numerous frame breakers had been convicted, disturbances had commenced at Huddersfield, and a violent, though unsuccessful attack made on the mill of a manufacturer of the name of Cartwright. Subsequent to this failure on the part of the Luddites, who had suffered severely in their repulse, meetings were held, at which the prisoners were present, denouncing the masters, and especially Mr. Horsfall and Mr. Cartwright, and selecting them for vengeance. It was Horsfall's well-known habit to attend the Tuesday market at Huddersfield, returning thence on horseback between five and six in the evening to his house at Masden, some seven miles from the town. On the afternoon of the 28th of April, on his road home, he stopped for refreshment at the "Warren" public-house, of which one Armytage was the landlord, and then rode on about two or three hundred yards to the corner of a plantation, when he was suddenly and fatally fired at. This plantation opened at the back on to a field, to the south of which lay two other fields, the last abutting

on the road from Huddersfield to Crossland, from which point was a way into Dungeon Wood, where Joseph Mellor, a cousin of the prisoner, lived. Adjoining this wood was the road from Huddersfield to Armitage Bridge. On being shot, Horsfall fell forward on his horse, and thence to the ground. A witness of the name of Parr, who was riding some little distance behind, and in sight of the victim, came up, and having obtained assistance, carried him back to the Warren House, where he expired after thirty-eight hours of acute suffering. To connect the prisoners with this case numerous witnesses were called, including an accomplice, a brother workman of the name of Walker.

Armytage proved Mr. Horsfall's usual habit of attending the Tuesday market, his calling for refreshment on the fatal day, treating two men who were at the house, and riding off a few minutes after six. In less than half an hour he was brought back wounded. The shot must therefore have been fired between ten and thirty minutes after six. Parr, when about 100 to 150 yards from the plantation, heard the report, saw the smoke of the firing, and four persons, all in dark clothes, in the corner of the plantation from which the smoke arose. Seeing the man in front of him fall, Parr rode up, raised him from the ground and called out murder, when one of the men got on the wall of the plantation. "What," said Parr, "are you not contented yet," and then galloped towards the men, when they all at once ran out of the plantation on the side furthest from the road. Leaving the wounded man in charge of two boys, who were gathering horse-

dung on the road, Parr rode off for help, met the witness Bannister, and with his assistance carried Mr. Horsfall to Armytage's. The surgeon who attended proved the extraction of two balls, one as large as a musket bullet, and the subsequent death of the wounded man.

The evidence of Benjamin Walker, the accomplice, who was next called, must be given in detail.

"Is a cropper at the factory of Mr. Wood, at Longroyd, between Huddersfield and the spot where the murder was committed; has been so for two years. Mellor and Smith were fellow-workmen, but Smith left in April last, and Thorpe is a cropper at the neighbouring factory of Mr. Fisher. After the repulse at Cartwright's mill there was a conversation among them at Wood's, when Mellor said, '*There is no method of smashing the machines but shooting the masters; that they had ost two men at Cartwright's.*' On the day of the murder he was in Wood's factory—Mellor and Smith in one room, and he in another. Between four and five in the afternoon Mellor came to him. At that time William Hall, his father, John Walker, and his brother William, were with him in the shop. *Mellor asked him to go with them and shoot Mr. Horsfall.* He refused. Mellor went away, and the witness soon after left to get some drink, and was away about half an hour. On his return he found there Mellor, Varley, Hall, and his own father. Mellor then gave him a loaded pistol, and said he must go with him and shoot Horsfall; it was loaded with double ball. He looked, and saw it was loaded to the top. He now agreed, and orders were given to him to go to the plantation. Thinks Smith and Thorpe were also present. Mellor then had on a drab jacket, but when he came to him at the plantation *Mellor had on a bottle-green great-coat*, and *Thorpe a dark-coloured top-coat.* The witness and Smith, who had been ordered to the spot, had *dark-green coats*, but no top-coat. They went through the fields, Smith first, who had a loaded pistol, bought of a man named Mills, and the cock of it mended by himself. Witness had the pistol which Mellor had given him. In about ten

minutes after he and Smith got to the plantation, Mellor and Thorpe came. On the road with Smith he said to him that *he did not quite like the business.* Smith said, '*Let us go forward, and then let us counsel the others to go back again: it is a pity to go.*' Smith then went to Mellor and Thorpe, who were some twenty yards off, and then came and told him that if they left Mellor would shoot them. Mellor said he had brought his pistol from Russia, where he had been—a large horse-pistol, with a barrel half a yard long—and had sold it to Hartley. Smith said the orders were, Mellor and Thorpe to stand in the nook of the plantation and fire, and Smith and the witness to stand twenty yards off and fire, if the others failed. Mellor said, 'He's coming.' He could not see Mellor and Thorpe from his place, but heard the shot, and then he and Smith ran away, and were joined by Mellor and Thorpe. Mellor damned them for not shooting. He was carrying his pistol. Thorpe put his pistol in witness's hand; the barrel was warm, and the priming gone. They then ran across the Huddersfield and Crossland road to Dungeon Wood, when he threw down Thorpe's pistol, and Mellor took it up. Smith and he hid their pistols in ant-hills. They then, by Mellor's order, separated; he and Smith going towards Huddersfield, the others a different way. Mellor gave them two shillings for beer. Before they separated, Mellor gave him a powder-horn, which he hid in Dungeon Wood. They then went to a public-house, where there was a drunken collier, and the news of the murder was brought there at the time, when Smith began whistling, and the collier tried to dance. They drank seven or eight pints of beer, and got home about ten at night. On the next morning, at Wood's factory, Mellor, Thorpe, and Smith said witness must be sworn, as Varley and witness's father and brother, Snowden and Hall, had been. Witness was then sworn, he believes, on a Bible. Mellor said he had hurt his hand, which was tied up, in firing, and he noticed that Thorpe's face had been scratched when in the wood. Thorpe said he had hurt it in the plantation. Mellor and Thorpe told him afterwards that they had been at Joseph Mellor's, at the back of Dungeon Wood, after they left the plantation."

On cross-examination, after admitting that he came

from custody, having been kept safe as a witness, and that Varley and the others were present when Mellor gave him the pistol, and he believed heard the conversation, he said as follows :—

"First told it to his mother and his father when he came home that night. His father had heard what they were about before. His mother had told Mr. Radcliffe—the magistrate whose residence adjoined the plantation—ten or eleven weeks ago (in order that he might give his account, and be admitted as a witness), Mellor at that time in custody; not all taken in custody together, only Mellor and witness. *He had sent to Mrs. Hartley to come and prove an alibi;* telling his messenger that she brought the news of the murder, *and that he would be safe if she swore that he was then in the yard at Wood's, which he was not.* Mellor had told him that Mrs. Hartley had told the people at Wood's works of the murder. Told Firth that he knew nothing about it."

To confirm this extraordinary story, Hall, who the approver said had been asked to join in the murder, was called. He swore to Mellor asking him for the Russian pistol which Hall had purchased, and that he saw him load it with two pipe-heads of powder, a ball, then some slugs, and then a second ball. He warned Mellor that it would jump back, but Mellor replied "that he meant to fire it, and give Mr. Horsfall that." He also saw Thorpe loading his pistol the same afternoon. According to this witness Mellor was dressed in a dark coat, and the swearing of Walker took place as that man had related. The oath, he said, contained the threat that "if we ever revealed anything we should be shot by the first brother." He now carried the evidence against Mellor and Smith a step further.

"That night he slept in the same room with Mellor, who complained of hurting his finger by firing, and told him that he and Thorpe had left their pistols at his cousin Joseph's, hidden in some flocks, and had told two of his apprentices to give them to their master on his return home, and that he and Thorpe had gone through Lock Wood to Huddersfield. He heard Mrs. Hartley bring the news of the murder to Wood's factory about seven in the evening. Smith also came home that night, and slept in the same room with him, and told him how he and Walker had hidden their pistols in the ant-hills in Dungeon Wood. On the Sunday after the murder he saw Mellor give Smith a guinea. He did not get his pistol back again for three weeks, and after that Mellor borrowed it again to take to Leeds, where some people wanted arms. Mellor asked him to go with him, after his arrest, in Thorpe's coat, and swear that he was the man who went with him to his cousin's in search of work, but he refused. He went with Smith on the Sunday after the murder to search for the pistol in the ant-hills, but they failed to find them—they never have been found. He went as a witness for Walker, but was examined only as to shears-breaking."

That the Walkers and Hall were at Wood's on the afternoon of the murder, with Mellor and Smith, was confirmed by another fellow-workman, of the name of Snowden, to whom, on the next morning, the approver and the prisoners, he swore, told all about the murder, and Thorpe swore him, not only to keep the secret, but to administer the oath of secrecy to all who knew of the murder of Horsfall.

The prosecution now took up another branch of the evidence—that of witnesses speaking to the conduct of the prisoners after the murder had been committed. The first of these was Martha, the wife of Mellor, the cousin of the prisoner, who lived in Dungeon Wood, where, with two apprentices, he

worked as a cloth dresser. About a quarter past six on the evening of the murder the prisoner Mellor, and another man, came to her cottage in the absence of her husband, and asked for work for his companion. On her saying that they had none for him, the prisoner asked for a handkerchief, and she gave him a black silk one. He then asked her to allow his companion to wash himself. Mellor had on a dark-coloured coat, but no top-coat, when he came into the house, having been first in the shop, and his companion was dressed in a dark-coloured top-coat. After about a quarter of an hour's stay Mellor asked her to lend him a coat. On her telling him that her husband's coat was in the shop, he and his companion went out through the shop, saying, that if they did not meet her husband on his way home from market they would return about ten that night. Her husband returned about seven, and it was after that, between eight or nine o'clock, that she heard of the murder.

This part of the transaction was completed by the evidence of the apprentices, Durance and Kinder. Durance's evidence was as follows :—

"Is about seventeen years of age. Was in the shop when George Mellor and a man, who he thinks is like the prisoner Thorpe, came into his master's shop on the evening of the murder. When they came in both had on dark-coloured top-coats, and Mellor took off his and laid it on the brushing-stone. He then saw that he had on a green coat. Was asked by Mellor to go upstairs with him, which he did, leaving the other man in the shop. Upstairs Mellor gave the witness two long pistols—he did not see whether loaded or not—which they concealed under some flocks, Mellor telling him not to apprize his

master of it. He showed the pistols to his brother apprentices, one of whom, Kinder, told him that the visitor was George Mellor, he not knowing him. The first prisoner he thinks is that man. On his master's return he told him who had been there, and what he had left, on which his master went with him, took the pistols out, and hid them under some straw in an out-house. He was examined by a magistrate, and on his return given 5*s.* by Mellor, half for the other apprentice, Kinder, bidding him speak the truth, but say nothing of the pistols."

In this most important evidence Durance was confirmed by his brother apprentice, Kinder, and his master. The last described the pistols as nearly of a size, except that one had a larger bore than the other, and was brass mounted, and recognized it as one which the prisoner Mellor had told him he brought from Russia. He also found a dark-coloured top-coat on the brushing-stone, and a dark, bottle-green under-coat hung up behind the door of the shop, neither of which belonged to him. In the pockets of the top-coat were two ball cartridges. On the morning after he told a man of the name of Varley about the pistols, and in about a week after both the pistols had been taken away by some one. His own coat, which he left at home, and which was gone, was a drab top, which was produced by the governor of the gaol as worn by Mellor when he was handed over to his custody, and which was identified as that left hanging in the shop.

The only additional evidence called by the prosecution was that of persons, entire strangers to the transaction, who spoke to what they saw in the neighbourhood of the plantation, at the time of, and

just subsequent to, the murder. One of these, a labourer who was at work in a stable about 200 yards from the spot, heard the shot fired, apparently from the part of the plantation next the road. On going out of the stable he saw four men running across the fields, between the plantation and Dungeon Wood, in the direction of the latter. As he never was nearer to them than fifty yards he could only say that they all appeared to have on dark-coloured clothes. That the shot he heard was that by which Horsfall was killed was proved, by the previous evidence of his two boys, engaged in collecting manure on the road, who, within two or three minutes after he heard the report, came to him with the intelligence that Mr. Horsfall had been shot. Another stranger, who was passing along the road from Crossland to Lockwood, which runs at the back of the fields and the plantation, also heard the report, and saw four men in dark clothes come out of the plantation, one of whom he observed, as the man jumped over the wall, had a brass-handled pistol showing from under his coat when it flew back, over which he hastily pulled it on seeing the witness.

The last of this class of witnesses was the landlady of the public-house at Honley, to which, according to the accomplice, the prisoner Smith and the accomplice came soon after the murder. She recollected their coming and drinking there between seven and eight in the evening, and staying till about nine, that a half-drunken collier was then there, and that Smith whistled a tune, to which the collier danced. Thus proving one of those apparently trifling incidents

which tell with such a marked effect in cases of circumstantial proof.

The defences were alibis. It will be remembered that the murder must have been committed between a quarter and half-past six, at a spot within a few minutes' ride of Huddersfield. On behalf of Mellor witnesses were called who professed to trace him from half-past five until a little before seven. At half-past five the two Armitages saw him pass their shop at Lockwood, in the direction from his cousin's in Dungeon Wood to Huddersfield, and the first of them spoke to him. Battersby saw him coming towards the George Inn, Huddersfield, about the same time (the distance between Armitage's forge and the inn was admitted to be trifling); and Thorpe saw and spoke to him, opposite the George, about ten minutes to six. Wommesly, about six or ten minutes after, went with Mellor to a shop in the town to pay an account; and Hansard saw him about a quarter of a mile out of the town, on the road to Longroyd Bridge, a little before seven. According to this witness, Mr. Horsfall did not leave Huddersfield until five minutes after six.

For Thorpe, it was said by Ratcliffe that he was at Fisher's, at Longroyd Bridge, raising a blue cloth coat, at half-past five, and that the witness stayed talking with him about a quarter of an hour. A young woman, the next witness, was at the time carrying cans of water from the raising shop to the house. Now she swore that she was thus employed from five until she heard of the murder, that she saw a young man (presumably the previous witness)

talking to Thorpe in the shop, and that every time she went into the shop for water she saw Thorpe still there. To fix the hour, she spoke of a man named Pilling coming there during that time with a pair of shoes he had made for her. In this she was confirmed by Pilling, who declared that he spoke to Thorpe, and left him in the shop when he started from it, a little after six. It was not until he was about a mile away from the shop, on his return home, that he heard of the murder.

Bower, one of Wood's apprentices, declared that he helped Mellor, Smith, Walker the accomplice, and his father and Varley, at the hardening press at Wood's about seven (this would be after the news of the murder had been brought there). He also saw Smith go for his beer about six. In the last statement he was confirmed by Mary Thorpe, Wood's servant, who always served the men with their beer. She also spoke to Bower, Smith, Mellor, and Hall lodging at Wood's; and Bower swore that he slept in the same room with Mellor that night, and Smith also, but that he did not know if Hall also slept there. He remembered the widow Hartley coming into Wood's yard with the news of the murder, about seven that evening. The last witness for the prisoners was Hirst, a lodger at Wood's, who met Walker the accomplice in Wood's yard about seven, and then heard of the murder.

"When," said Justice Le Blanc in his charge, "you see the point of time at which the murder took place, and the nearness of all the different spots where the persons were said to be to the place in

question, perhaps it is not surprising that there should be, at such a distance of time, so much variance in the account given by the different witnesses as to the periods of time. Even supposing the witnesses to come under no improper influence or bias in what they are saying, they are speaking of a transaction which not only took place a long time ago, but was not imputed to the prisoners at the bar until a considerable time after it had taken place. For this took place in the month of April, and it does not appear that inquiry was made before the magistrate, or that any of these persons were committed before October. Nothing happened immediately after this transaction to lead these persons particularly to watch, so as to be accurate in the hour of the time on that particular evening when they saw these persons at a particular place, and we know how apt persons are to be mistaken, even when care is taken, in point of time." After this criticism on the nature of the evidence for the prisoners, and his previous remark of its avoiding "to explain any of the strong passages in the evidence, in part from persons connected with one of the prisoners," the jury were but a short time in returning a verdict of guilty against all of them. Within a few days after the whole of them were executed.

From the evidence subsequently given on the trial of a number of Luddites for the attack on Cartwright's mill it would appear that Mellor and Thorpe were leaders in this outbreak, and active organizers of the conspiracy, and that Wood's shop was a rendezvous for the disaffected. In this case William Hall,

whose name will be remembered as a witness in the previous trial, was the approver. According to his evidence,[6]—

"On the 11th of April Dickenson, not one of Wood's men, brought to the shop at Wood's some powder and ball, near a pint of the first, and a small bag of balls, and in consequence of the directions which were given, Hall, Smith, and Dyson went to the appointed rendezvous in Sir George Armytage's fields. On their road they overtook George Brook, who went on with them. It was ten at night when they reached the spot, where they found two or three more, and stayed about an hour, by which time over a hundred Luddites had assembled. They were then called over, not by name, but by numbers (Hall was No. 7), and divided into three companies, one armed with muskets, another with pistols, and the third with hatchets and malls. The men were then formed in line by Mellor and Thorpe, and Hall and another man made a rearguard to drive up the people and see that no one strayed. In this form they marched, from what he calls the dumb steeple (the obelisk) in Sir George's fields, over Heathhead Moor, some three miles to Rawfold, where Mr. Cartwright's mill was situated. Some of the party, who had not even hatchets or malls, armed themselves with stakes as they went along. When they got to the mill Mellor formed his company (the musket men) in lines of thirteen, and Thorpe, who, he believes, commanded the pistol company, did the same with his men." He then gives the names of some of those, including the prisoners on trial, whom he saw there. Then he proceeds to state "that when thus formed in line they went on to the mill. There was a deal of firing and knocking with malls and hatchets, and at one time Mellor cried out that the door was opened, and others said, 'Fire at the bell!' (an alarm-bell on the mill roof which the defenders of the mill were ringing). He himself fired at the mill twice.

[6] That of James Haigh, Jonathan Dean, John Ogden, *James Brook*, *John Brook*, Thomas Brook, John Walker, and *John Hirst*. Those in italics acquitted, the rest found guilty, January 9th, 1813.

He heard some one say there was a man shot ; there was firing from and into the mill for about twenty minutes. That on an alarm being given of the soldiers, they all got away as fast as they could, and fled in all directions."

Happily for its owner the defence of the mill, a strong stone building, had been provided for by its proprietor, who, with five soldiers and as many workmen were expecting the attack. Awakened by the violent barking of his watch-dog, he heard the windows on the ground floor being dashed in, a discharge of musketry at these and the windows on the upper floor, and a violent hammering at one of the doors of the mill. His little garrison flew to arms, one kept the alarm-bell going, whilst the rest fired on the assailants through the loop-holes which had been prepared. From the mob he heard the repeated cries,—"Bang up, my lads! In with you! Are you in, my lads? Keep close! In with you! Damn them! Kill every one of them!"—followed by shouts of "Damn the bell, get it!" The firing from within and without continued for about twenty minutes, when that from the mob slackened, and he heard the cries of persons who appeared to be wounded, and of those who were carrying them off. On this his men slackened their fire, and when the assailants went off in the direction of Huddersfield, he and some of his men went out found two wounded men whom their friends could not carry off, and malls, hatchets, sledge hammers, and axes, strewn on the ground near the mill.

The injury to the mill, notwithstanding its strong construction, was enormous. Out of 300 panes in the windows only five remained whole, the iron frames of

the ground floor windows had been smashed in, whole windows—frame, glass, and all—driven in, the stone jambs of the door broken out, and the panels of the door itself broken and cut to such an extent that men could nearly put their heads through them. The assailants had suffered severely. In addition to the wounded carried off by their friends, and the two found on the ground, two more were afterwards discovered so severely wounded that they died. Save for the gallant stand made by the little garrison the mill would have been sacked, and, as in previous cases, burnt, and its defenders immolated. Had other millowners imitated Mr. Cartwright, the outrages of the Luddites would never have grown to the extent which they assumed.[7]

It is needless to give in detail the evidence in this case. As in the murder of Mr. Horsfall, the main facts were spoken to by accomplices, who were sufficiently confirmed, and the guilt was clearly brought home to five of those at the bar, who were convicted and executed.

The oath imposed on these misguided men was proved in another case, in which one John Eadon was indicted under the 37 Geo. III. for "administering, or causing to be administered, or for aiding or

[7] On the 20th of April one other mill, that of Messrs. Barton and Sons at Middleton, was most successfully defended, and the assailants severely punished. In this affair five of the rioters were killed before the mill, and several others wounded before they dispersed. Subsequently to the attack several dead bodies were found in the adjoining woods and fields—those of men who had been too severely wounded to be removed at the time by their comrades. *Annual Register*, 1812, under this date.

assisting, or being present at, and consenting to the administering or taking of any oath or engagement purporting or intended to bind the person taking it to engage in any mutinous or seditious purpose." This statute was originally passed to meet the combinations in Nottinghamshire, and subjected the parties to transportation. By the comprehensive terms of this act it was not necessary that the formal ceremony of calling upon God and kissing the book should be observed. It did not matter in what form the illegal engagement was made, so that it was a form binding on the parties using it, though in this case the more solemn and usual form had been observed.

The oath of the Luddites was much the same as that of the Irish malcontents, and was in the following form:—"I, of my own free will and accord, do declare and solemnly swear that I will never reveal to any person or persons anything that may lead to the discovery of the same, either in or by word, sign, or action, under the penalty of being sent out of the world by the first brother that may meet me. Furthermore, I do swear that I will punish by death any traitor or traitors shall there any arise among us. I will pursue with increasing vengeance should he fly to the verge of statute (meaning probably 'nature'). I will be just, true, and faithful in all my dealings with all my brothers. So help me God to keep this oath inviolated. Amen."

The prisoner's counsel raised a point, based on the fact that Howells, the party to whom it was administered—the administration could hardly be

denied—took it as a joke, and with no intention of being bound by it. But the court unanimously held that the point at issue was not the *animus* with which the oath was taken, but that in which it was administered.

The evidence showed that Howells, a fellow-workman with the prisoner and lodging in his house, had first been spoken to by him about the Luddites on the 18th or 19th of May, and of his power to make any one a member of that body. That two or three days afterwards he was asked by the prisoner to take a walk in the fields, and that, when there, after a reference to the previous conversation, the prisoner asked him to be one, and he consented. That the prisoner then took out a Prayer Book, which he put into Howells' right hand, and then repeated to him the oath, and made him say the words after him and kiss the book. He then gave the witness a copy of the oath, which he bade him learn by heart, and when he had done so to destroy the paper. Witness took the paper, which was produced in court, after being traced through various hands, and was proved to be in the prisoner's handwriting. As to the *animus* with which he took the oath, Howells said, "I knew it was wrong, but I did not much know what we were to do afterwards. I cannot tell whether it was in joke or not; I was not in earnest quite, I was not serious when I took it; I thought the prisoner was joking with me at the time, and I spoke to him and said, 'I thought you were joking with me,' but he said, 'No, I am serious.'"

This copy of this stringent oath Howells appears

to have kept by him for some three weeks, and then to have shown it to another workman of the name of Broughton, who kept it for three days and then went to the prisoner and asked him what it meant. Eadon said "it was to form a regular organization in the country to overturn the tyrannical system of Government," that he asked him for the sign of brotherhood, and that Eadon showed it to him. This witness had previously seen Eadon putting the names and numbers of persons as delegates into a memorandum-book, and identified the copy of the oath as in the handwriting of the prisoner. Broughton at once handed the paper to a sergeant of the South Devon Militia, who, after two months' delay, gave it to his colonel, by whom it was given to the Government agent at Sheffield, and by him produced in court. No attempt was made to impugn the character of the two leading witnesses, and the friendly one called by the prisoner went far to confirm Howells' account of the time he went to work and lodge with him. The charge in this plain case was commendably brief; the jury immediately pronounced a verdict of guilty, and eventually Eadon was sentenced to seven years' transportation.

The delay in the discovery of a conspiracy so widely extended, and proved in the evidence in the various trials to have been known to and shared in by such numbers of fellow-workmen, was, no doubt, due to the stringency and terrors of the oath. In this last case both Howells and Broughton had to be sent away in a hurry out of the county, and put in safety until required at the trial. In another case,

where six men were arraigned on a similar charge, an assistant constable at Manchester had to be sent from a distance to throw himself in the way of those who were busy administering these illegal oaths. That such a practice is justifiable, when the disgusting duty is performed with honesty of purpose and no attempt is made to lead persons into the crime which it is the object of these witnesses to denounce, few but visionaries will deny. But surely it is going too far to speak of it, as the counsel for the Crown did, as "highly commendable," or to shut one's eyes to the strong temptation such an office holds out to unprincipled persons to suggest the crime, and to lead misguided men from what may be innocent combinations at the outset into others destructive alike to the state and to the property and persons of individuals. The fair side of this practice was exhibited in these trials. In subsequent cases we shall have cause to fear that the spies were in reality the seducers of their victims, and that the worst features of the plots which they divulged were due to their own wicked invention.[8]

It is a painful reflection on the merciless character of our criminal code at this period to note that, though with an amount of leniency little practised by the Crown in those days, seventeen prisoners were allowed to go free on their own recognizances to appear again if called on, fourteen of the rioters, in

[8] See the case of Castle in the trial of James Watson, Oliver in that of Brandreth and others, and of Reynolds in the Cato Street Conspiracy, *post*.

addition to the three murderers of Mr. Horsfall, were left for execution at the close of this fearful assize. Verily the mercy of the crown was in those days perilously limited.

Though Luddism was for a time put down, it broke forth again with new violence in 1816, increasing the prevalent distress which formed the excuse for its revival. General Ludd again issued his orders to armed bands, which marched with the utmost secrecy from the towns to distant villages, breaking open factories and demolishing machinery, and working with a rapidity of movement which proved the completeness of the organization and the perfection of its drill. We shall meet with the same spirit prompting the violence of the Reform Riots in 1817, and those under Captain Swing in 1830-31, when ricks were burnt and agricultural machinery destroyed in a senseless crusade against the improvements in labour-saving inventions. In the Swing riots, only the persons of the sufferers were changed, and the farmer was then attacked instead of the manufacturer.

CHAPTER IV.

THE DE BERENGER FRAUD ON THE STOCK EXCHANGE.

TRIAL OF LORD COCHRANE AND OTHERS, 1814.

"Ashes to Ashes—lay the Hero down
Within the grey old Abbey's glorious shade,
In our Walhalla ne'er was worthier laid,
Since martyr first wore palm, or victor crown.
* * * * *
A sea king, whose fit place had been with Blake,
Or our own Nelson, had he been but free
To follow glory's quest upon the sea,
Leading the conquering navies in his wake."

TOM TAYLOR.

THE career of Lord Cochrane is a romance crowded with incidents almost too strange to be credible. It is not as the leader of powerful fleets that he will be remembered with Jervis, Duncan, or Nelson, but by the smallness of the means by which he achieved the most important ends—by the bravery, verging on rashness, by which he won victory after victory from adversaries far more powerful than himself—by the steady perseverance, so irreconcilable with the natural impetuosity of his character—by that confidence in

himself, his own unaided resources, and his cause, to which his victories were due—by the difficulties with politicians whose people he was invited to succour, under which any less persevering man would have succumbed—by the persecutions which he endured, many of them due to that very self-confidence which brought him success—by the endurance with which he lived down calumny—by his death, covered with the honours of which he had been ignominiously deprived in the earlier stages of his truly wonderful career. His character is well worthy of study by those who would strive to imitate his perseverance and bravery, and emulate the noble deeds which must ever shed a halo of glory round the name of Cochrane.

The eldest son of Archibald, ninth Earl of Dundonald, who spent the little patrimony of the Cochrane family in scientific pursuits and manufacturing experiments, he had only his own talents and exertions to assist him. Born in 1775, he entered the army at the early age then usual, but soon, in 1793, changed into the navy, the service for which he inherited from his mother's family the strongest predilection. Next year he obtained his lieutenancy, and was in 1800 promoted to the command of the 14-gun brig, the "Speedy."[1] In this small vessel, on

[1] The armament of the "Speedy" consisted of 4-pounders, and so weak were her timbers that she would not safely carry two 12-pound guns which Cochrane endeavoured to mount as bow and stern chasers. The "El Gamo" carried 32 heavy guns and 319 men. Her tonnage exceeded 600 tons, that of the "Speedy" was only 158. The broadside weight of the shot of the "Speedy" was 28 lbs., that of "El Gamo" 190.

the 6th of May, 1801, he captured the Spanish frigate "El Gamo," running alongside of her, locking his rigging with hers, and then boarding, with a crew of fifty-four men, his opponent, who carried more than three hundred. Tremendous as were the odds against him, so dashing was his attack that he achieved the capture of the enemy with a loss of only three men. For this he was made a post-captain. With that fairness to others which formed a leading characteristic of his mind, he pressed Lord St. Vincent, the First Lord of the Admiralty at that time, for the promotion of his second in command. He was refused on the miserable ground of the small loss of men with which the capture had been effected. Lord Cochrane could not contain himself. He replied to the noble lord that in the battle for which he himself had obtained his earldom, only one man was killed on St. Vincent's own ship, and yet all his officers received promotion. Lord St. Vincent never forgave the rebuff, and from that moment there was a black mark against Cochrane's name in the navy list. Unfortunately for him, in July, 1801, his little war-brig was captured by three French line-of-battle ships, after such a gallant resistance that the officer in command of the French squadron asked him to retain his sword. The Admiralty now had an opportunity of refusing Cochrane another ship, which they readily took.

Determined not to remain idle, Cochrane entered himself as a student at Edinburgh, where he had Lord Palmerston as a fellow-classman, under Dugald Stewart. In 1803 he was at sea again; this time in

a brig was sent to the coast of the French coast, and therefore sent on the agreeable employment of protecting the fisheries in the North Sea. On the accession of Lord Melville to office in the early year, as a brother Scot, he was promoted to the "Hind," a frigate of thirty-two guns, and it was announced that taking prizes off the Texel and the coast of Holland. After some three years of this work, we find him on the French coast watching the ships in the Basque roads. With a frigate and three brigs of his squadron, aided by the batteries, he fought a sharp but unsuccessful action, thanks to the timely aid rendered by two other French ships, and the loss of his topmasts in running the French frigate on board. Next year he was in Parliament for Honiton, making himself more and more hated by Government for his vigorous attacks on the sinecurists who then preyed upon the revenue, and exposing with no sparing hand the abuses which existed in the navy. To get so dangerous an opponent out of the way, he was appointed to the "Imperieuse," in the Mediterranean Squadron. On resigning the command, after eighteen months' service, he was reproached by the Admiralty as "having spent more sails, stores, gunpowder, and shot, than any captain in the service." In the pursuit and destruction of an enemy Cochrane had no idea of saving material. Sails, shot, stores, and gunpowder were meant for use—and he used them.

His next service, unfortunately for him, was with Admiral Gambier, on the southern coast of France. Gambier, a calmly brave, but far from an active man,

with religious ideas which led him to regard every weapon but shot and shell as anti-Christian, regarded Cochrane's favourite employment of fire-ship with religious horror. So strong, too, did he consider the position in the Basque roads, where the French fleet lay under the batteries in the river of Aix, defended by a strong boom, commanded by their fire, that he regarded Cochrane's proposal to attack them as hazardous, if not desperate. That it was so was one of its recommendations to Cochrane. Permission for the attack was tardily and unwillingly given, and though the boom was broken by Cochrane's frigate and the "Calcutta," a 56-gun ship, captured; in consequence of the tardy support given by Gambier, and the fire-ships exploding too soon, or missing their mark, the expedition was far from being as successful as it otherwise might have been.[3] In his first despatch Gambier gave Cochrane the credit of the action; in a subsequent one he took the credit to himself. When Cochrane found his own and his officers' names omitted from the proposed vote of thanks to Gambier, he announced his intention of opposing it. To get him again out of the way, he was offered and refused an important command. A court-martial on the admiral was the result. At this a chart of the port of Aix and its roads was tendered by Cochrane, and refused,

[3] In an article in the *Revue des deux Mondes*, in 1858, the venerable Admiral Graviere, who was present in the attack, thus briefly summed up the real causes of the escape of the French fleet, "*La mollesse de Lord Gambier*, le courage et le sang-froid de quelques-uns de nos officiers, préservant seuls l'escadre Française d'une ruine totale."

and two other charts produced, on which he declared imaginary shoals were inserted and erroneous measurements marked, in order to support Lord Gambier's view that the attempt was "hazardous, if not desperate." The admiral was, of course, acquitted on this evidence, the vote of thanks passed without the insertion of Cochrane's name, and Cochrane shelved, unless he would accept a command subordinate to his present position. The offer was, as may be supposed, indignantly refused, and Cochrane, in his bitterness against the Government, threw himself with all his natural ardour into the Reform movement, and became even more a radical than Burdett.

For four years he remained unemployed, devoting his time to Parliament, where he now occupied the important position as Burdett's colleague for radical Westminster.[3] In 1813, however, his uncle, Sir

[3] It was during this period that in order to expose a swindle in the Admiralty Court at Malta, by which the prizes condemned were not only made worthless to their captors, but in some cases the costs exceeded the value of the prizes, Lord Cochrane went to Malta, obtained possession of the illegal table of fees charged, was illegally imprisoned, and rescued by the sailors of the flagship, and home again before his escape was known. In this case, the Marshal acted also as proctor, and by charging fees as proctor for advising, serving himself, and administering to himself the necessary oath, ran up a bill of costs more than six fathoms long, which Lord Cochrane exhibited in the House of Commons. In exposing the iniquities of the pension list of that day Lord Cochrane cited the case of the pension to his own maternal grandmother having been paid, and received by some one, for eight years after her death. See "The Life of Lord Dundonald," by his son, the

Alexander Cochrane, being appointed to the American station, exercised his privilege of naming him as his flag-captain. The Admiralty could not help themselves. Cochrane at once took up his work, and busied himself in fitting-out the "Tonant" as the flagship. He was engaged in February, 1814, when he was suddenly charged as an accomplice in the De Berenger frauds, by which the price of the Funds were suddenly raised, on the report that a staff-officer had come in haste from the allied armies in France with the news of Napoleon's defeat and death.[4] By this event the whole current of his life was changed.

The frauds of De Berenger and his presumed allies are so fully detailed in the evidence given on the trial, that a very brief sketch of them will now be sufficient. On the morning of the 21st of February, a postchaise, with a person who professed to have landed from a French vessel at Dover, and to be the bearer of the news of the defeat and death of Napoleon, arrived at the Marsh Gate, in the Westminster

present earl, and his "Autobiography;" volumes of sterling value, and deep interest.

[4] In August of 1813, a somewhat similar fraud appears to have been attempted, in the form of a letter from the Lloyd's agent at Deal to the Secretary, reporting that "one of our cruisers has this moment landed a French officer, whom they picked up in a flag of truce; he is the bearer of despatches for Government, and brings passports for a British minister. He has been taken to the Port Admiral.—Deal, Aug. 6th." The letter was a forgery, and as the handwriting was similar to that of one of the members of the House, the Committee of the Stock Exchange carefully investigated the affair, but failed to fix the deception on any one.—See Minutes of Meeting of Committee of Stock Exchange, August, 1813.

Bridge Road, there the traveller changed into a hackney coach, and was driven to the house in Green Street, where Lord Cochrane temporarily resided. Within an hour afterwards another chaise, coming from Northfleet, in which were two persons dressed as French officers, drove through the city, stopped at the Marsh Gate, where the parties got out and disappeared. These persons also represented themselves to be the bearers of similar news to that brought by the first express. The effect on the Stock Exchange was immediate: funds rose steadily, large sales were made, and notably, though in very different amounts, by Lord Cochrane, his uncle Mr. Cochrane Johnstone, Mr. Butt, and Mr. Holloway. As the report got discredited the funds fell back to their opening prices, and it was evident that a fraud of great magnitude had been ingeniously practised to the serious injury of the dealers in "time" bargains.

The committee of the Stock Exchange lost but little time in attempting to unravel the mystery of this fraud. Within a few days of its perpetration they appointed a sub-committee to take evidence and report to the members of the house. With commendable diligence the sub-committee sat almost daily till the 8th of March, inviting information from all quarters and subjecting those of the members of the Stock Exchange who had dealt largely in the funds on the day of the fraud to most severe examinations. From the minutes of this body, it appears that at first they were under the impression that it was only a more serious case of those hoaxes then so commonly practised by certain newspapers,

and that Mr. Wright, of Dover, was at the bottom of it. Soon, however, they got on the right track of the Dover scheme, and, by the evidence of the post-boys and the hackney coachman, Crane, traced the fictitious Du Bourg to the house in Green Street. On this, placards were issued on the 5th of March, offering rewards for the identification of the impostor, and his subsequent conviction.[5] It will be seen hereafter that it was in consequence of these placards that Lord Cochrane obtained fresh leave of absence and returned to London in order to give his account of his supposed implication in the fraud. They were by no means so successful with the second plot. Vinn, indeed, told them, as he had others, of his having been asked by McRae to initiate such a scheme, but McRae was not forthcoming. Holloway, whose name was seriously implicated, braved it out before them, and Sandom, who it was not denied had been with the sham officers in the chaise, told the committee a most plausible story of his connexion with the scheme.

On the 8th of March the sub-committee made their report, which was ordered to be printed, but was not ready for distribution until the 12th. In the mean-

[5] The minutes of the sub-committee, which the author has been permitted to inspect by the committee of the Stock Exchange, are wanting from the 15th of March to the 2nd of April, and from thence to the 5th of September there are only three entries. The placard, after stating the arrival of the fictitious Du Bourg in London, calls special attention to his having been "set down, and entering the house, No. 13, Green Street, Grosvenor Square," and offers a reward of fifty guineas for his identification, and a further reward of two hundred guineas for his conviction.

time an incorrect account of it and of the meeting at which it was adopted appeared in the *Morning Chronicle* of the 9th.[6] To the statements in this most inaccurate report, Lord Cochrane's affidavit of the 11th March was the reply. In that it will be seen he gave a full account of De Berenger, and as he had every reason to believe was the first to put the Stock Exchange on his track. Subsequent to the publication of the correct report of the sub-committee, voluntary affidavits were sworn by the servants of Lord Cochrane, who were in his house when De Berenger called there, all agreeing that he had on a grey great-coat, buttoned close up, and that so far as they could see of his under coat, it was green.[7]

The sub-committee resumed their labours and proceeded to hunt for De Berenger, for whose arrest, as an alien who had abused his privileges, a warrant was issued. After tracking him to Sunderland, and then to Newcastle, Glasgow, and Leith, they succeeded in arresting him in the last place on the 8th of April,

[6] One important inaccuracy was, that Sayer, the Bow Street officer, who had taken Crane to make inquiries at the house in Green Street, reported that it had been let furnished since February 12th to Lord Cochrane, Cochrane Johnstone, and Mr. Butt, and that they occasionally met there several times previously to De Berenger's arrival. No such evidence was reported by the sub-committee.

[7] Affidavit of Dewman, Mary Turpin, and Isaac Davis who, though discharged when Lord Cochrane was appointed to a ship, was still staying in the house. Mary Turpin also swore that on the 18th of March some stranger had come to her with an offer of 5*l.* if she would say what uniform the visitor had on.

had him brought to London, and confronted with the post-boys and the other witnesses who could speak to his identification. Whilst thus engaged a letter was written by Mr. Cochrane Johnstone to the chairman of the Stock Exchange, enclosing one from McRae, offering to disclose the names of the parties to the fraud, if 10,000*l.* was placed in the hands of trustees as his remuneration on their conviction. To this no reply was given. On the 18th, Mr. Cochrane Johnstone again wrote to the chairman, stating that he, Lord Cochrane and Mr. Butt, would each contribute 1000*l.* towards this fund for bribing McRae. The only reply given to this offer was the preferring the indictments against all the parties supposed to be implicated. McRae's offer came too late, the sub-committee had found out all about him and his companions, and his professed evidence was not worth purchasing. Concealment on the part of Holloway and his friends was no longer possible. On the 25th of April he and Lyte confessed the whole affair to the sub-committee.

On the 20th of April, 1814, the grand jury of the City of London returned a true bill against Charles Random de Berenger, Sir Thomas Cochrane, commonly called Lord Cochrane, Andrew Cochrane Johnstone, Richard Gaythorne Butt, Ralph Sandom, Alexander McRae, John Peter Holloway, and Henry Lyte, for a conspiracy "to make and propagate a false report and rumour that the French had lately been beaten in battle, and that Napoleon Bonaparte was killed, and the allies in Paris." The indictment, in its first count (after setting out the various steps by which

this report was manufactured and spread) charged that, in prosecution of this conspiracy on the 21st day of February, the defendants did by its means unlawfully cause a temporary increase in the prices of "the funds of this kingdom," and did sell large quantities of stock to the extent of more than 800,000*l.* at greater prices than they would otherwise have sold for, "with a wicked and fraudulent intention, then and there to cheat and defraud the liege subjects of the king, and to their damage." In the second count, the conspiracy was described as for the purpose of inducing people to believe the false report in order that the defendants might sell at a profit. In the third, the object of conspiracy was stated to be "to occasion without any just or true cause a great increase and rise of the public Government funds of this kingdom, and to injure the subjects of the king who should on the 21st of February purchase any such funds." In the fourth count, the writing and sending a letter to Admiral Foley was said to have been with the same object. In the fifth, with the same object they were charged generally with propagating "false reports and rumours of and concerning Napoleon Bonaparte and the French people." By the sixth count the false report was laid "that a peace would then soon be made with the people of France." In the seventh all details of the fraud were omitted, and it was spoken of merely as "divers false and subtle acts, devices, contrivances, representations, "reports and rumours," with the object of raising the prices of the funds. In the last they were charged with conspiring "by divers false and subtle acts," &c., as in the seventh

count, "to induce people to believe, without true and just cause, that a peace would soon be concluded with the people of France, to the great and manifest injury of divers and very many of the liege subjects of our said lord the king." To this indictment all the defendants put in a plea of Not Guilty, and the case having been removed by the prosecutors into the King's Bench, came on for trial before Lord Ellenborough and a special jury on the 8th of June.

Nominally, the prosecution was on the part of the committee of the Stock Exchange; in reality, if Lord Cochrane is right, by the Admiralty. With this department, as we have seen, Lord Cochrane was on most unfriendly terms, and its secretary had frequently exhibited in Parliament his bitterness against him as a naval reformer. In support of this view it is to be remarked that the case had been taken out of the hands of the usual solicitor to the committee of the Stock Exchange, and committed to Mr. Lavie, the Admiralty solicitor, who had conducted the case of Lord Gambier at the court-martial in 1809, which was in reality, though not in form, a court-martial on Lord Cochrane.[8] If this belief of

[8] It appears from the minutes of the sub-committee of the Stock Exchange, that on the 7th of March they laid the substance of the evidence they had obtained before Lord Melville, the First Lord of the Admiralty, and met with "a polite and gracious reception," and in their report to the General Committee they state "they were told by Lord Melville that if they had occasion for legal advice they might apply to the Attorney-General." From an entry in the minutes of March 11th it appears that up to that date Mr. Dawes, their usual solicitor, was advising them. I have not been able to trace the date of

Lord Cochrane's is justified, it was most improper in Lord Ellenborough, who had been a Cabinet Minister, to have sat on the trial, in the conduct of which it was impossible for such a politician not to have been biassed by party interests. Another point of great unfairness to Lord Cochrane was that Mr. Gurney, who led for the prosecution, had previously settled the affidavit of Lord Cochrane, in which he gave his account of the transaction, and on which Gurney commented with the utmost severity in his addresses to the jury. Lastly, Lord Ellenborough followed his old cruel tactics of so prolonging the sitting of the court on the first day, that the defendants' counsel were exhausted by twelve hours' work before they were forced by him to commence their addresses to the jury, and the proceedings were protracted until three o'clock the next morning, and then resumed after an interval of barely seven hours. By this manœuvre the judge, the only person engaged who was not physically unfit, had an easy task in imposing his will on a fatigued and listless jury. As the evidence will be given in considerable detail, it is needless to give any summary of the opening address of the counsel for the prosecution. It may be con-

Mr. Lavie being entrusted with the case, as from March 15th to April 2nd there is a gap in the minutes of the committee. He was, however, present at the meeting of the sub-committee on the 25th April, when Holloway confessed his share in the second plot. It must, however, be borne in mind that the costs of the prosecution were met by a subscription among the members of the Stock Exchange, and that the piece of plate given to Mr. Lavie for his exertions was voted by the sub-committee on the 15th of August.

venient to consider the evidence under the following heads.

(1.) The identification of De Berenger as Du Bourg from his appearance at Dover to his arrival in London.

(2.) De Berenger's visit to Lord Cochrane.

(3.) The dealings in the funds on the arrival of the news.

(4.) The conduct of Cochrane Johnstone and De Berenger after the fraud.

(5.) The second part of the conspiracy by Holloway and his companions.

(6.) The case of the defendants.

(1.) The Identification of De Berenger as Du Bourg from his appearance at Dover to his arrival in London.

Shortly after one in the morning of the 21st of February, 1814, Marsh, the landlord of the Pacquet Boat Inn, at Dover, heard some one knocking loudly at the door of the neighbouring Ship Hotel. It was light enough for him to see that it was a gentleman. He sent for candles, and by the time he had procured them and stepped over to the Ship he found that the visitor had got into the entrance passage of that hotel, and he then saw that he was dressed in a grey overcoat, beneath which was a red uniform coat with a star on it. He wanted a post-chaise and four, and a horse express to send a letter to the admiral at Deal. In answer to a question of the witness he said he was "the bearer of the most important despatches that had been brought to this country for the last twenty years, and that he had

landed on the beach." He asked for, and the witness got for him from Mr. Wright, pens, ink, and paper, and put the candles on the table, one on each side of him, whilst he wrote. The stranger wore a German cap with a gold fringe. When he asked him if he should send for the collector of the port, he refused. "*I think that is the person,*" he added, pointing at De Berenger. The witness went to get the chaise and horses, saw him get into it, and heard him offer the post-boys a napoleon each. Two other persons, Gourley and Edis, were present. On cross-examination he admitted that he saw him for only about five minutes in the passage, and for a very short time when writing. When re-examined he said no one had pointed out De Berenger to him, and that he knew him the instant he saw him. During the examination of this and the following witnesses, facsimiles of the cap, overcoat, and uniform were produced in court, and identified as similar to those they saw on De Berenger. Gourley, who had gone with Marsh to the Ship Hotel, confirmed him as to the dress and the letter-writing, and also identified De Berenger: and Edis, though he could not fix the colour of the cap, whether black or brown, had no doubt he was the messenger who arrived on that morning. A fourth witness, one St. John, who was staying at the Ship, engaged in picking up information for the *Traveller* newspaper, and called up by the violent knocking at the door of the hotel, saw the person in the coffee-room dressed as the others had described, and also identified him as De Berenger.

We next have the express boy who received, but not from the prisoner, the letter for the admiral, rode

with it to Deal, where he delivered it to his servant. On Admiral Foley himself being called, and speaking to the receipt of a letter which the previous witness had brought, the objection was taken that it could not be read until distinctly traced to De Berenger. Mr. Wright the landlord of the Ship, who could have supplied this evidence, being too ill to attend, Mr. Lavie, the attorney for the prosecution, was called to prove the handwriting. He had seen De Berenger write when in custody in the month of April, when he handed to the witness the letter he had seen him writing, and he unhesitatingly declared that the letter to Admiral Foley was in the same handwriting. His evidence remaining unshaken on cross-examination, the following letter was put in and read :—

"DOVER, 1 a.m., *Feb.* 21*st*, 1814.

"SIR,—I have the honour to acquaint you that 'L'Aigle, from Calais, Pierre Duquin, master, has this moment landed me near Dover, to proceed to the capital with despatches of the happiest nature. I have pledged my honour that no harm shall come to the crew of the 'L'Aigle.' Even with a flag of truce they immediately put to sea. Should they be taken I have to entreat you to immediately liberate them. My anxiety will not allow me to say more for your gratification than that the allies obtained a final victory, that Bonaparte was overtaken by a party of Sachen's Cossacks, who immediately slew him, and divided his body between them. General Platoff saved Paris from being reduced to ashes; the allied sovereigns are there, and the white cockade is universal; an immediate peace is certain. In the utmost haste I entreat your consideration, and I have the honour to be, Sir,

"Your obedient, humble Servant,

"R. DU BOURG,

"Lt.-Col. and Aide-de-Camp to Lord Cathcart.

"To the Hon. T. Foley,
Port Admiral, Deal, &c., &c."

Not believing the letter, the Admiral sent for the boy to his dressing-room, and after examining him, enclosed it to Mr. Croker, the secretary of the Admiralty, as he could not work the telegraph from the thick state of the weather. Could he have done so, it is evident from a broken answer of the witness that he would have reported against the truth of the despatch.

We now take De Berenger on the road to London. The first post-boy could only say that he drove a gentleman early in the morning of the 21st of February from his master's house, the Ship, to the Fountain Hotel, Canterbury, and that he gave each of the boys a napoleon at the end of the stage, and that he saw the next boys—Broad and Daley—start off with the chaise from Canterbury. Broad spoke to driving the chaise to the Rose at Sittingbourne, and again each boy had a napoleon. He saw the next boys, Finnis and Wakefield—drive off the chaise from Sittingbourne. On cross-examination he was pressed as to the reason of remembering such a common event as driving a gentleman in a chaise and four. On this Lord Ellenborough put the question, "Did all these circumstances ever concur in any other case? Did you ever drive so early in the morning a single gentleman in a chaise and four, and receive a napoleon from him?" and elicited the reply, "No, I never did." Finnis spoke to driving the chaise to the Crown at Rochester —kept by the brother of the landlord of the Ship— and to again receiving two napoleons for himself and the other boy. None of these witnesses, except the last, could speak to the prisoner or his dress. Finnis,

however, described him as having on a pepper-and-salt overcoat, and a red coat under it and a cap.

The landlord of the Crown, however, had a full opportunity of seeing the traveller, as he took him into the bar parlour for some hasty refreshment, and there learnt from him the details of the great news of which he professed to be the bearer.

"He was dressed," said this witness, "in a pepper-and-salt great-coat, with a scarlet coat under it, a military scarlet coat; the upper coat was nearer the colour of that coat than anything I could state (pointing to the overcoat in Court), the scarlet military coat he had under that was very much trimmed with gold lace; it appeared by candle-light to be gold lace trimmed down the front; he had also on a cap, a military cap with a broad gold lace round it—a band. The cap appeared to be made of cloth, I am not certain whether it was of cloth or fur; but it appeared to be nearly the colour of the great coat. On the military coat was a star, and something suspended, either from the neck or button, I do not know which, something which he told me was some honour of a military order of Russia." The witness afterwards added, on cross-examination, "He had one part of his dress, I have not mentioned, which was a large white cockade, hanging down very dirty, as if it had been a long time worn. He was with him for about ten minutes, and saw him go away in the same chaise."

This witness further said that though the party was very much disguised, he thought he should recognize him. On first looking round the court he failed to see him, but did so when he looked with more care, and then identified De Berenger as the traveller. "The whole length of time he was with him was about ten minutes. It was about half after five when he arrived at his inn."

One of the post-boys who drove him the next stage,

to the Granby, at Dartford—James Overy—also spoke to his dress and his star, and to his paying him a 5*l.* note and a shilling for the horses for the next stage as well as those from Rochester, and giving him and the other lad a napoleon each. It was after seven when they arrived at Dartford. The landlord of the Crown and Anchor at Dartford remembered Overy arriving with the chaise and himself speaking with the gentleman at its window; he could not, however, identify him, though positive that he saw enough of him to enable him to do so.[9]

Spilling, one of the boys who drove the stage into London, gave the following important evidence:—

"Upon our ride to London the gentleman spoke to him a great deal. He had previously heard him tell the waiter at Dartford the news, and when we came to Bexley Heath he told me not to hurry my horses, for his business was not so particular now, as the telegraph could not work—it was a thick, frosty morning. I told him I thought the telegraph could not work, for I knew almost every telegraph between Deal and London. He then said, 'Post-boy, don't take any notice of the news as you go along.' I told him I would not, unless he wished it; he said I might tell any of my friends as I returned, for he dar'st say they would be glad to hear it. He then said that he had sent a letter to the Port-Admiral at Deal because he was ordered, and that he had landed two miles from the Ship Inn. He said no more till we got to Shooter's Hill,

[9] When this witness was pressed as to identity, Lord Ellenborough said, "The questions might go much nearer. The witnesses might be asked if that be the person; it is always done at the Old Bailey in cases of life and death, where the prisoner stands in a conspicuous situation—it is less strong in this case; *but to be sure, when it is proved in the way it has been, it can be of very little consequence.*"

where I and the other boy got down from our horses, and he called us to the window, and gave us some cakes and a bottle of wine. After a remark on the weather, he said 'I have not seen old England a long while before,' and asked me which was the first coach-stand. I told him the Bricklayer's Arms. He said that would not do, it was too public; he was afraid somebody would cast some reflections, and he should not like it. I told him I thought not, they would be too glad to hear the news. He then asked if there was not a stand in the Lambeth Road. I said, 'Yes;' and he told me to drive him there; my chaise would go faster than a hackney coach. I did so, and there was no coach there. I told him there was one at the Marsh Gate, and I drove there, up alongside of the only coach on the stand. As we came round the corner he pulled up the side blind, which had been down. I called the coachman and the waterman, and when the latter opened the door he stepped from one coach to the other, and he gave me two napoleons. The hackney man's name is Crane. Only knows the waterman as 'Bob.' He did not hear where he told the coachman to drive to." His description of the traveller's dress was that "he had a dark fur cap, bound with white lace of some kind round it, whether gold or silver he could not say. Had a red coat underneath an outer dark coat—a kind of brown coat; but will not swear to that. Thinks the red coat was turned up with yellow, but should not like to swear to that. It had a star of some sort on it, but was not close enough to see that, and cannot swear to what it was. Thought that on the outer coat was fur, a kind of white fur, the same as off a rabbit's skin."

He identified De Berenger without any hesitation, as did also the waterman. In the cross-examination of this witness, it was sought to prove that he was influenced by the reward offered by the Stock Exchange, and that he had been discussing at his Hat Club at Dartford whether he or Crane should get the reward. He admitted having received five pounds from that source, and to have been examined by the

committee as well as by the Grand Jury. The cross-examination was ineffectual. Bartholomew, the waterman of the stand at the Marsh Gate, saw the traveller for only so short a time, whilst he stepped from the chaise to the coach, that he could not clearly identify De Berenger. He saw, however, that he had a brown cap and a dark military drab coat, and a scarlet coat with lace on it, and he remembered that he ordered the coach to be driven to Grosvenor Square. Barwick, a clerk to a firm of bankers in Pall Mall, on his road to the bank, saw the post chaise at the stand and the coach drive off. From what he was told by by-standers he followed it as far as the Haymarket, where he turned off to go to his duty. As he only saw the passenger through the window of the coach, he could only speak to his having on "a cap, such as German cavalry wear, with a gold band on it," and could not identify De Berenger further than to say that he was like the person he saw in the coach.

We now come to Crane, the hackney coachman,[1] a

[1] Among the affidavits on which Lord Cochrane based his application for a new trial were the following, exposing the witness Crane. King, a stable-keeper in the Westminster Bridge Road, swore that Crane told him "he could not identify De Berenger, and that he did not see his under dress, as his coat was closely buttoned up," that he declared "he would have a hackney coach out of them" (the prosecutors), and that he "would swear black white if paid for it," that since the trial "he has purchased a hackney coach and horses of the best description." That he would swear "black white" was said in the presence of Colonel Taylor's groom, who confirmed the statement in his affidavit. To one Yeovil, a ticket porter, Crane declared that "it was Lord Cochrane himself whom he drove, that he knew him

most important witness, of whose character most extraordinary evidence was procured, but, unfortunately, subsequent to the trial. He swore that he drove the fare into Grosvenor Square, and that he then told him to go to 13, Green Street (Lord Cochrane's residence), that he there got out with a bit of a portmanteau, he thought it was black, but was not certain, but it was large enough to carry a coat—that he there asked for Colonel or Captain somebody, and heard him told that he had gone to breakfast in Cumberland Street, when he asked if he could write a note and went into the parlour. He then paid him four shillings, and afterwards another shilling, when he drove off. He had seen this person at Woods, the Government messenger's office, and he thought that it was De Berenger, but he had altered himself very much in his dress. As nothing to the discredit of this witness was known at the time of the trial, his cross-examination was limited to his knowledge of the traveller's dress, and when unwisely pressed on this point, he stated, what he had not done before, that "he saw he had a red coat underneath his great-coat." [2]

as well as he knew the witness, had driven him twenty times." This statement was confirmed by the affidavit of one Livermore, who heard the conversation. It seems that Crane, only a fortnight before his giving evidence, had been convicted in "an atrocious case" of cruelty to his horses, and suspended from driving for three months. February 17th, 1826, he was convicted of stealing 20*l*., and sentenced to seven years' transportation, and discharged by order of the Secretary of State in 1830.—Autobiography, vol. ii. p. 355, *et seq.*

[2] It is only fair to Crane to state that the evidence he gave

Other witnesses now proved the discovery, in the Thames, near the Old Stairs, Wapping, on the 24th of March, of a bundle in the calico cover of a chair. In this were two sleeves, and the other pieces of a scarlet coat, embroidery, a star and a silver coat of arms, the star broken in half; and the parcel was weighted with pieces of lead and coal. Its subsequent delivery to the Committee of the Stock Exchange was then proved. These fragments, an accoutrement-maker of the name of Solomon, proved to be made of the same kind of cloth as a staff officer's dress, which, with a fur cap, ornamented with a pale gold band, had been purchased of him on the 19th of February, by a person who represented that he required them to perform the character of a foreign officer, and to be sent into the country that evening. Solomon, however, could not identify De Berenger as the purchaser, though pressed by the judge as well as counsel on the point. Necessarily he was not cross-examined.

To complete this portion of the case, Davison and his wife, the occupiers of the house in the King's Bench Rules, in which De Berenger lodged, proved that he left there about eleven on the morning of Sunday the

on his first examination before the Committee of the Stock Exchange, was identical with that subsequently given in court. Sayer, the Bow Street officer, who seems to have had him in hand, and who had charge of the case, reports, on March 28, taking him to the house in Green Street to see if he could identify the servant who opened the door to him, making the excuse that the gentleman had given him a bad shilling. He was answered from the area that the family had only come in on the previous Friday, and he thought not by the man who let in Du Bourg.—Minutes of Sub-Committee, of the above dates.

20th, in a grey overcoat, that as far as they heard, he did not return until the afternoon of Monday.[3]

De Berenger had now been clearly tracked from Dover to Green Street, and, if Crane was to be believed, when he left him at Lord Cochrane's he had on the same red uniform in which the post-boys and the landlord at Dartford had sworn he was dressed during his journey to London.[4] We have now to consider the evidence of what passed in Green Street.

II. De Berenger's Visit to Lord Cochrane.

The only evidence of what passed in Green Street, produced by the prosecution, was the voluntary affidavit made by Lord Cochrane, and published, with others made by his servants, to meet the public reports that had been circulated and the notices placarded on the walls, implicating him in the fraud of Du Bourg. At the time of De Berenger's visit, Lord Cochrane was busily engaged, on leave of absence in London, about

[3] On the 11th of January, 1816, Mr. Grey, of Gray's Inn, applied through Mr. Lavie to the Committee of the Stock Exchange, to assist him in an intended prosecution of the Davidsons for perjury, by allowing Mr. Gurney, the shorthand writer employed by the Committee at the trial, to attend with his notes of the evidence of these parties. The Committee naturally declined to be mixed up in the matter, of which no more was heard.—Minutes of Committee, Jan. 11, 1816.

[4] In his long and laboured volume, "The Noble Stock Jobber," from which full extracts will be found in the Appendix A, De Berenger, with very unnecessary candour, admits that he was the party driven from Dover to Green Street. The extracts disclose, the reason for this apparently useless candour.

his patent lamp. On the expiry of his leave he had returned to Chatham, and was engaged in fitting out the "Tonant" when the reports against him reached him. He at once obtained fresh leave of absence, returned to town, and gave his account of the interview with De Berenger, and his Stock Exchange transactions, in the following affidavit. Until this was published, there was no clue, as far as Lord Cochrane knew, to lead the Committee of the Stock Exchange to the real Du Bourg. "If De Berenger is Du Bourg," said Lord Cochrane to his publisher, "I have given them the clue to find him by."[5]

We give this document in full :—

"I, Sir Thomas Cochrane, commonly called Lord Cochrane, having been appointed by the Lords Commissioners of the Admiralty to active service (at the request, I believe, of Sir

[5] In reality, a Mr. William Harrison on the 8th of March informed the Sub-Committee that he knew a person of the name of De Berenger, a Prussian, residing in the Rules of the Bench, who was intimate with Lord Cochrane and Mr. Cochrane Johnstone, hardly a day passing in which he did not dine with the latter, for whom he was engaged on some plans connected with Alsop's Buildings, and that he thought he was likely to be the man. As Lord Cochrane's affidavit was published on the 11th, probably the Sub-Committee had not time to act on this hint before the statement of his lordship's made the case against De Berenger clear.—Minutes of Sub-Committee, March 8. Is this the Mr. Harrison referred to by De Berenger, as present at his conversation with the witness Murray, as "known principally from his bearing an inveterate hatred to all the Cochranes from having undergone conviction, sentence, and imprisonment for attempting to extort money from the Hon. Basil Cochrane?"—"The Noble Stock Jobber," p. 24.

Alexander Cochrane), when I had no expectation of being called on, I obtained leave of absence to settle my private affairs previous to quitting this country, and chiefly with a view to lodge a specification to a patent relative to a discovery for increasing the intensity of light. That in pursuance of my daily practice of superintending the work that was executing for me, and knowing that my uncle, Mr. Cochrane Johnstone, went to the city in a coach every morning :

"I do swear, on the morning of the 21st of February (which day was impressed on my mind by circumstances which afterwards occurred) I breakfasted with him at his residence in Cumberland Street, about half-past eight o'clock, and I was put down by him (Mr. Butt was in the coach) on Snow Hill about ten o'clock ; that I had been about three-quarters of an hour at Mr. King's manufactory, at No. 1, Cock Lane, when I received a few lines on a bit of paper, requesting me to come immediately to my house ; the name affixed, from being written close to the bottom, I could not read. The servant told me it was from an army officer, and concluding that he might be an officer from Spain, and that some accident had befallen my brother, I hastened back, and found Captain De Berenger, who, in great seeming uneasiness, made many apologies for the freedom he had used, which nothing but the distressed state of mind, arising from difficulties, could have induced him to do. All his prospects, he said, had failed, and his last hope had vanished of obtaining an appointment in America. He was unpleasantly circumstanced, on account of a sum he could not pay, and if he could others would fall on him for full 3000*l.* He had no hope of benefiting his creditors in his present position, or of assisting himself. That if I would take him with me he would immediately go on board and exercise the sharpshooters (which plan Sir A. Cochrane, I knew, had approved of). That he had left his lodgings, and prepared himself in the best way his means allowed. He had brought the sword with him which had been his father's, and to that and Sir Alexander he would trust for obtaining an honourable appointment. I felt very uneasy at the distress he was in, and knowing him to be a man of great talent and service, I told him I would do all in my power to relieve him ; but as to his going imme-

diately on board the "Tonant" with any comfort to himself, that was impossible. My cabin was without furniture, I had not even a servant on board. He said he would willingly mess anywhere. I told him that the ward-room was already crowded, and besides, I could not with propriety take him, he being a foreigner, without leave from the Admiralty. He seemed greatly hurt at this, and recalled to my recollection certificates which he had formerly shown me, from persons in official situations—Lord Yarmouth, General Jenkinson, and Mr. Reeves, I think, were amongst them. I recommended him to get them, or any other friends, to exert their influence, for I had none, adding, that when the "Tonant" went to Portsmouth, I should be happy to receive him, and I knew from Sir A. Cochrane that he would be pleased if he accomplished that object. Captain Berenger said, that not anticipating any objection on my part from the conversation he had formerly had with me, he had come away with the intention to go on board and make himself useful in his military capacity—he could not go to Lord Yarmouth, or to any other friends, in this dress (alluding to that he had on), or return to his lodgings, where it would excite suspicion (as he was at that time in the Rules of the King's Bench), but that if I refused to let him join the ship now he would do so at Portsmouth. *Under present circumstances he must take a great liberty, and request the favour of me to lend him a hat to wear instead of his military cap. I gave him one, which was in a back room with some things that had not been packed up, and, having tried it on, his uniform appeared under his great coat; I therefore offered him a black coat that was lying on a chair, and which I did not intend to take with me. He put up his uniform in a towel, and shortly afterwards went away in apparent great uneasiness of mind; and having asked my leave, he took the coach I came in, and which I had forgotten to discharge in the haste I was in.*

"I do further depose that the above conversation is the substance of all that passed with Captain Berenger, which, from the circumstances attending it, was strongly impressed on my mind; that no other person in uniform was seen by me, at my house, on Monday the 21st of February, though probably other

officers may have called (as many have done since my appointment), of this, however, I cannot speak from my own knowledge, having been almost constantly from home, arranging my private affairs. I understand that many persons have called under the above circumstances, and have written notes in the parlour, and others have waited in expectation of seeing me. *And I most positively swear that I never saw any person at my house resembling the description, and in the dress stated in the printed advertisements of the members of the Stock Exchange. I further aver that I had no concern, directly or indirectly, in the late imposition,* and that the above is all I know relative to any person who came to my house in uniform on the 21st day of February before alluded to. *Captain Berenger wore a grey coat, a green uniform, and a military cap.*[6]

"From the manner in which my character has been attempted to be defamed, it is indispensably necessary to state that my connexion in any way with the funds arose from an impression

[6] The truth of this statement was subsequently admitted by De Berenger, who, in reply to a letter from Lord Cochrane, asking for an explanation of the circumstances of his visit, replied,—

"KING STREET, WESTMINSTER,
"*April* 27, 1814.

"MY LORD,—I have the honour of acknowledging the receipt of your lordship's favour, which has this moment been delivered. Rest assured, my lord, that nothing could exceed the pain I felt when I perceived how cruelly, how unfairly my unfortunate visit of the 21st of February was interpreted (*which, with its object, is so correctly detailed in your affidavit*); but my agony is augmented, when I reflect that acts of generosity and goodness towards an unfortunate man have been, and continue to be, the accidental cause of much mortification to you. A fear of increasing the imaginary grounds of accusation caused me to refrain from addressing you."

As Lord Cochrane did not see any reason for further correspondence, De Berenger changed his tone, and wrote a series of vituperative epistles, probably with the object of extorting money."—Quoted in the "Autobiography," vol. ii., 339-40.

that in the present favourable aspect of affairs it was only necessary to hold stock in order to become a gainer without prejudice to anybody; that I did so openly, considering it in no degree improper, far less dishonourable; that I had no secret information of any kind; and that had my anticipation of the success of affairs been disappointed, I should have been the only sufferer.

"Further, I do most solemnly swear *that the whole of the Omnium which I possessed on the 21st of February*, 1814, *amounted to* 139,000*l.*, *which I bought by Mr. Fearn (I think) on the 12th ultimo at a premium of* 28¼; *that I did not hold on that day any other sum on account in any other stock; and that I had given orders when it was bought to dispose of it on a rise of one per cent., and it actually was sold at an average premium of* 29½, *though on the day of the fraud it might have been disposed of at* 33½. *I further swear that the above is the only stock which I sold of any kind on the 21st of February, except* 2000*l. in money, which I had occasion for, the profit on which was about* 10*l.*

"Further, I do solemnly depose that I had no connexion or dealing with any one, save the above mentioned, and that I did not at any time, directly or indirectly, by myself or by any other, take or procure any office or apartment for any broker or other person for the prosecution of stock affairs.

"COCHRANE."

In support of this affidavit, King the lamp-maker, and the servant of Lord Cochrane who let in De Berenger, were called for the defence. The former spoke to his having been employed by Lord Cochrane during the last summer and winter in making signal lanterns and lamps of a new kind, and of his lordship coming almost daily to his manufactory to see after their progress. He remembered his coming or the 21st of February about his usual time—between ten and eleven—and his servant bringing him a note, which Lord Cochrane opened, retiring into a passage

to read it, and then returning to the workshop, and shortly after going away. The only observation which he thinks Lord Cochrane made on reading the note, was, "Very well, Thomas."

Dewman, the man-servant, who had been in the Cochrane family seventeen years, and in Lord Cochrane's private service from the previous February, remembered his master going as usual to King's factory, and the gentleman coming in the coach to the house on that day. He inquired for his master; "I said he was out. The gentlemen asked me where he was gone to, and I told him to Great Cumberland Street to breakfast, because his lordship told me so. I went there after him, and not finding him, came back to Green Street and informed the gentleman, who had written a note, that he was not there; and the gentlemen said, 'Pray do you know where he is gone to, or where his lordship could be found?' I told him I thought I could find him, but I might be too late; for when his lordship went out he said to me, 'Thomas, after you have got your breakfast, follow me with that glass globe to Mr. King's.' I had been there before. I told the gentleman I should most likely find him at Mr. King's, as I was going to follow him there with the glass. Whether this gentleman had come or not I should have gone there with the glass. He took the note from me, and added two or three more lines to it. I took it there, and his lordship read it in my presence, and I left him at King's. He had then no other man servant but me. I did not return till past two, having a father in Castle Street. He said, 'Well, Thomas, I will return.' Davis, another man-servant,

had been given warning a month before his lordship was appointed to the 'Tonant,' and was in the kitchen when the gentleman came. He is gone with Admiral Herring to the West Indies."

It is to be regretted that counsel for the defence did not ask Dewman how the visitor was dressed (of course the prosecution were content with their own witnesses on that point). On their brief were the other servants who saw De Berenger, and who were prepared to speak to his dress. But in consultation it had been decided, most unwisely, not to call them, and thus, either from over-confidence in their own case, or fear of these witnesses breaking down, the evidence as to the dress of De Berenger, the sole point really affecting Lord Cochrane, was left as the prosecution had made it.

Evidence was given of the illness of Lord Cochrane's brother with the army in Spain, and of the lamp patent being taken out on the 10th of February. Mr. Fearn, the stockbroker, also admitted his dealings on behalf of the three, and that he had a standing order to sell when one per cent. could be realized. He saw nothing of Lord Cochrane on the 21st, but had repeated interviews with the two others. They were with him when the news arrived and in consequence the funds rose. Omnium had opened, before this, at such a rise that he had begun to sell at 29¼ before the intelligence arrived.[7]

[7] The term *Omnium*, which has for many years disappeared from our stock lists, meant a price at which all the different articles of which a loan to Government were compounded, be

III.—The Dealings in the Funds.

From the detailed account of the transactions in the funds of the Cochranes and Mr. Butt previous to the 21st of February, proved by the prosecution, it appears that the speculations of Lord Cochrane were comparatively trifling, in comparison with those of Cochrane Johnstone and Butt. Lord Cochrane commenced by buying on the 14th of February 100,000*l.* Omnium; this he increased by 50,000*l.* on the 16th, but reduced again to 100,000*l.* the next day. On the 18th he bought 36,000*l.* more; and on the 19th, the day of De Berenger's preparations, the balance of his purchases and sales added only 3000*l.* to his account. Thus on the morning of the 21st he stood the holder of 139,000*l.*, which his broker had orders to sell whenever a premium of one per cent. could be realized, and which he began to sell directly the market opened, and for an hour before the news

they few or many. Thus the loan for 17,000,000*l.* negotiated in April, 1798, was taken in the following stocks. For every 100*l.* of money the subscribers received—

	£	*s.*	*d.*
150*l.* 3 per Cent. Consols at the market price of 48½, amounts to	72	15	0
50*l.* 3 per Cent. Reduced Annuities at 47½ amounts to	23	15	0
4*s.* 11*d.* Long Annuities, taken at 13 years' purchase, amounts to	3	3	11
	£99	13	11
Discount for prompt payment	2	11	7
	£102	5	6

arrived, as the funds on that day opened at a small rise in price.

Cochrane Johnstone's transactions for the month of February were enormous. Beginning with 10,000*l.* Omnium on the 8th, his account on the 15th stood at 615,000*l.* Omnium, besides 100,000*l.* Consols. The Omnium account was gradually reduced to 420,000*l.* on the 19th, when that in Consols remained unaltered at 100,000*l.* Of both these stocks the whole was sold, except 10,000*l.* Omnium, on the 21st. Of these stocks 250,000*l.* were sold during the day, at prices ranging from 29 to 30¾, through his broker Fearn; Hickens, another broker, sold 120,000*l.* for him; and Smallbone, whom he also employed, disposed of 40,000*l.*—all of them at about the same prices. Fearn also sold the whole of his Consols during the excitement. The profits on these transactions, at the lowest estimate, exceeded 4000*l.*

Butt, like Johnstone, was a regular speculator, though in more moderate amounts. His account opened on the 8th of February with 10,000*l.* Omnium, and by the 19th had risen to 200,000*l.* All this, and 24,000*l.* more, was sold for him on the 21st, on as advantageous terms as for Johnstone.

In making these sales it was declared by the brokers that they held general orders to sell at one per cent. profit, and in the case of Lord Cochrane it was on this general order that his broker acted, commencing to sell directly the market opened at such a rise on Saturday's prices as enabled him to do so. Lord Cochrane never came into the city that day, and never had any communication with his

broker. Cochrane Johnstone and Butt, on the contrary, were on the spot, and in constant communication with their brokers. Holloway was, in comparison with the others, but a small speculator. His venture was limited to 20,000*l.* Omnium, and a like sum in Consols, the profit on which would hardly exceed 500*l.*

In connexion with this portion of the case, the evidence of a West Indian official of the name of Le Marchant, and of the Hon. Alexander Murray, invite attention, as illustrating the temper in which the prosecution was conducted, so far as Lord Cochrane was sought to be implicated. Both these persons were fellow-prisoners in the King's Bench with De Berenger, and his intimate acquaintances. They declared that he spoke to them, some few days before the fraud was perpetrated, very freely of his intimate knowledge of Lord Cochrane and his uncle, of his having assisted both of them with ideas for making profits in stock-jobbing, and of his having a plan in hand by which they would be able to realize large profits—to use his reported words, "put many thousand pounds in their pockets."[8] Murray admitted

[8] De Berenger says ("The Noble Stock Jobber," p. 23), that Murray forgot the explanation of the plan which De Berenger then gave. "When urging me to say whether I meant the Vittoria plan," I replied to importunities, "It is a far better thing, but at present must be a secret; one that will, however, astonish you; it is quite in my own line, *for it is something with gunpowder*"—alluding to his new kind of grenades and shells. Le Marchant gave this evidence before the Sub-Committee, and was confirmed by Captain Taylor, 22nd Foot, and Mr. Wright of the H.E.I.C.S.

that De Berenger spoke of his intimacy with Lord Cochrane as very recent. With Cochrane Johnstone, on the contrary, he was particularly intimate, "that person visited him almost every day." Murray fixed the conversation at the end of January or beginning of February; Le Marchant brought it down to the week before the day of the imposition. On cross-examination, Le Marchant, it appeared, had asked Lord Cochrane for a loan, and been refused, and the imputation was raised that but for this refusal he would not have given his evidence. To the question of Lord Ellenborough, "Do you give your evidence from resentment in consequence of having some loan refused you?" he replied, "None individually—none whatever;" and when Serjeant Best repeated the question in a slightly varied form, said, "No; so help me God!" He had, however, previously admitted that "If Lord Cochrane had not called him forward, he should not have given evidence, but he had compelled him."

For the defence a correspondence was put in, commencing with a letter of the 6th of April to Lord Cochrane, soliciting an interview, "for the purpose of explaining a conversation the writer had with Mr. De Berenger a few days prior to the hoax of the 21st February last, and which must be interesting to him." Not getting an immediate reply, Colonel Le Marchant, on the 7th, wrote a threatening letter, that "he was now justified by his lordship's silent contempt and defiance of his previous letter, to *make his information public*, which he should not have done before consulting him on that head, his sole wish being to

state facts, and not to be considered acting underhand." He then added, "As I feel exonerated from the last charge, and being, in a certain degree, called on to give my evidence relative to the 21st of February last; and as my rank in society will *give weight* to my *testimony, with the witnesses* I shall bring forward on the occasion, I feel justified in the steps I am about to take; nor can your lordship blame me in so doing, understanding the business in question will be brought before Parliament on a future day." To this Lord Cochrane replied, disavowing the charge of "silent contempt," and hoping that, circumstanced as he was, attacked by all descriptions of scoundrels, the colonel might have discovered other reasons for his delay of a few hours in answering the note, as from it he was led to conclude that the information offered was meant as a mark of civility and attention, and was not a subject on which "he felt any personal interest." Le Marchant at once revealed his real object—he wanted to be bought off. Here is his letter:—

"GLOBE HOTEL, PICCADILLY,
"*April* 8, 1814.

"MY LORD,—I ask your lordship's pardon for my letter of yesterday, which was written under the supposition of being treated with contempt. To convince you of the high respect I have for your lordship, I have the honour to enclose to you a statement of what I know relative to the 21st of February; and I also now declare solemnly, that no power or consideration shall ever induce me to come forward as an evidence against you, and that all I know on the subject shall be buried in oblivion. This much I hope will convince you that I am more your friend than an enemy; as my testimony, corroborated by the two officers, would be of great import, not (believe me)

that I myself doubt in anywise your lordship's affidavit; but De Berenger's conversation with me would be to your enemies positive proof; as for my part, I now consider *all that man told me diabolically false.* If my conduct meets with your approbation can I ask for a reciprocal favour, as a temporary *loan*, on *security* being given. I am just appointed to a situation of about 1200*l.*, but for the moment am in the greatest distress, with a large family. You can, without risk, and have the means to, relieve us, and I believe the *will* of doing good. Necessity has driven me to ask your lordship this favour. Be assured, whether granted or not, of my keeping my oath, now pledged, of secrecy."

Of course in the usual form the jury were told that any statements of De Berenger were evidence only against himself. Any one, however, who has experience in our criminal courts knows well, that when once such evidence has been allowed to be given, the judicial caution is little better than a form. It is next to impossible for unlegal minds to separate the legal effect of such evidence from the illegal. Prejudice has necessarily been raised, and than prejudice nothing is more disastrous in a criminal case.

IV.—The Conduct of Cochrane Johnstone and De Berenger after the Fraud.

In the dress thus furnished to him by Lord Cochrane, with his bundle, and, presumably, with the portmanteau which the witnesses had sworn he had with him in the post-chaise, De Berenger returned to his lodgings. What he did from that time to the following Saturday, when he finally left them, rests only on his own statement. During that interval, however, he must have thrown the scarlet coat and its trappings

into the river, whence it was eventually fished up. On the Saturday of that week some gentleman called upon him with a letter. That this was Cochrane Johnstone rested on the evidence of the landlady of De Berenger's lodgings, who had pointed him out to Mr. Lavie as the caller, when the jury was being struck at the Crown Office. Eventually De Berenger was arrested as an alien by a Queen's Messenger, in Leith, on the 7th of April, when a locked desk, with gold and notes in it, and a memorandum-book, was found in his possession. It was subsequently proved that he had stayed more than a fortnight in Sunderland, where he had passed as a Captain Burne. Two of the entries in the pocket-book were eventually admitted in evidence. The first was read as follows :—

"To C. I. by March 1st, 1814, 350*l.*—4*l.* to 5000*l.*—Assign one share of patent, and 1000*l.* worth of shares of In de Beaufain at Mess H. to their care. Believe from my informant 18,000*l.* instead of 4800*l.*—Suspicions that Mr. B. does not account correctly to him as well as to me. Determined not to be duped. No restrictions as to secrecy—requesting early answer."

This memorandum was put forward as the notes of a letter to Johnstone, and the figures "18,000*l.* instead of 4800*l.*" were interpreted to refer to the profit made by the fraud. The other entry was "W. S.—50*l.*," which, was suggested, referred to a 50*l.* note given by De Berenger to his servant William Smith to get changed into smaller notes.

It was proved that on the 19th of February Smallbone drew a cheque in favour of Lord Cochrane for 450*l.*, which was changed into a 200*l.* note, two notes

of 100*l.* each, and one of 50*l.* The two 100*l.* notes were changed by Fearn's clerk on the 24th for notes of 1*l.* each, at request of Butt, who handed them to Johnstone. It appeared that on the 15th Butt had lent Lord Cochrane some money to make up an account, and it is said, that these 100*l.* notes were given in repayment. It was not proved that Lord Cochrane had anything to do with the changing of these notes, or that he was even in the City on the 24th when they were changed. Of these notes no less than sixty-seven were traced to De Berenger—some found in his desk, others paid away for a watch which he bought in Hull on the 4th of March. On the 26th February Lance paid a cheque to Butt for 98*l.* 2*s.* 6*d.*, which was changed at the bank for a note of 50*l.* and another of 40*l.* The 50*l.* note was proved to have been given to his servant, William Smith, by De Berenger, and the 40*l.* note changed for him at Sunderland, where he had been staying from the 7th to the 24th March. It was clear, therefore, that De Berenger had been provided with money by Cochrane Johnstone and Butt, and anything but clear that Lord Cochrane had contributed. De Berenger's explanation was, that the money was paid by Johnstone for the plans he had made for the "Vittoria," but no explanation was offered how the notes passed from Butt to the Baron. The complicity of Johnstone was confirmed by his flight from the country as soon as the verdict against him was given. Mr. Butt, however, remained, and to the last protested, again and again, that he had nothing to do with the fraud. It is possible to account for the finding the two notes for 50*l.* and 40*l.*

in De Berenger's hands from the undoubted financial dealings between him and Johnstone, and it is in Butt's favour that Lord Cochrane himself believed him to be innocent.

V. The Second Plot, by Holloway, Lyte, and others.

On the same day, if the confessions of its promoters are to be believed, persons entirely unconnected with the Cochranes and Mr. Butt carried out a plot almost identical in its details with that in which De Berenger was the chief actor. Within an hour after De Berenger's arrival at the Marsh Gate, another chaise and four drove up there, out of which three persons got, in no way peculiar in their dress. On inquiry, however, it was known that this chaise had started from Dartford in the morning with the same three persons, two of whom at that time were dressed in blue frock coats and flat opera hats, with military ornaments on them and white favours. Thus dressed, they had been driven down the Kent Road, over London Bridge, through Lombard Street, and Cheapside, when they turned over Blackfriars Bridge, and so down the New Cut to the Marsh Gate, where they alighted. Before they arrived there they had contrived to take off their costumes, and appeared, when they got out, in ordinary dress and hats, like the third party. They had been fetched from Northfleet to Dartford in a chaise ordered by the defendant Sandom, who had accompanied them in ordinary costume, and who had represented to the landlord there that he did not know who they were, but that

they brought news of the utmost consequence. How this plot was got up, and who the travellers were, was proved by the following witnesses.

On the 14th of February, Thomas Vinn, an accountant, and by his own admission a dabbler on the Stock Exchange, received from the defendant McRae a note requesting him to meet him the next day on particular business at the Carolina Coffee-house, in Birchin Lane, about eleven o'clock. He found him there, talking to an old gentleman, and was asked to sit down whilst McRae went out with his friend. On his return in six or seven minutes he said,—

"'I have known you a long time, and think that I have now an opportunity of making your fortune;' that he knew, from the knowledge I had of languages, particularly French, I should have an opportunity of benefiting others and myself. I asked him what the object was—was it to travel abroad? He said, No, but probably to travel at home, and that almost immediately; that it was a scheme he had in contemplation, employed by men of affluence and consequence, and that he thought no man more competent than myself. On my asking him if there was anything of moral turpitude in it, he said that there was none; but that it was practised daily by men of the first consequence; it was nothing more or less than 'biting the biters,' or, in other words, a hoax on the Stock Exchange. I asked him in what way I could attend to it, or in what way it was to be performed. He told me by going down to Dartford, Folkestone, or Dover, as I should receive instructions and that, that evening; but it was necessary to have for himself and me two dresses appropriate to that of French officers. I here stopped him, and asked him if he really meant me to be employed in this transaction? to which he replied, Certainly, and that I should be remunerated, and ultimately have a fortune. I replied with indignation that I would as soon be concerned in a highway robbery; that I thought he knew me better than to have sug-

gested to me a plan of the kind, and expressed myself, rather beyond the usual tone of my voice, hurt at it. He endeavoured to hush me by saying people would overhear us. He then took me out of the coffee-house and went up Cornhill, when I left. [Then, with the intention, he said, of having a witness to the conversation] I returned, and told him if he would go with me to another coffee-house I would introduce him to a young man who I thought would undertake the business. I took him to the Jamaica; there was a young man sitting there. I was about to introduce him, but he turned suddenly round and I did not. On his returning McRae asked me whether I would not give him in writing the terms *Vive le Roi—Vivent les Bourbons*, which, in expectation of his attending to the young man, I gave him at the Jamaica.

On cross-examination he stated that he told this at once to a Mr. Rothery, of the Atlas Printing Office, and afterwards to thirteen or fourteen persons in a house in Clement's Lane and made it public daily in all the companies he went into.[9]

The history is then taken up by a female at the house in Fetter Lane where McRae lodged, with his wife. On Saturday, the 19th of February, she said, McRae came into her room, which was on the same floor as theirs, and gave his wife a parcel of value to take care of. Nothing more then passed, but next day he went out between ten and eleven, and returned about twelve with two opera hats and two coats in a bundle. The coats were dark blue with braiding, like officers' coats; one lined with white silk appeared better than the other, and one of the hats had a brass plate at the end and a gold tassel at each corner. He put them on, and asked her if he did not look like an

[9] Vinn received from the Committee of the Stock Exchange a gratuity of 25*l.*, in addition to 5*l.* previously paid to him.

officer, and she replied, Yes. He then went out again, and returned about one with some white ribbon, and asked his wife to make two round cockades. When she asked him what all this was for, he said "To deceive the flats." He again went out, with the cockades in his pocket, taking the hats and coats in a bundle, and saying he must be at Billingsgate to go down to Gravesend by a quarter before two. After that she did not see him till about two on the Monday, in Cursitor Street, when he gave her a shilling to get him some dinner. He was then in his usual clothes, and had a bundle in his hand. Out of this he took the best coat and hat. He brought back the cockades, which were taken to pieces, the paper on which they were made was burnt, and the ribbons used for strings. They then stript the white lining out of the coat, and took it out of the house saying they would take it to the dyer's, to dye black. He had lodged in the house before the witness came there, was very poor, and because coals were dear she and the McRaes had one fire between them. He said he had slept at Northfleet, but he looked as if he had not been in bed at all. After this he was well off, had a 10*l.* and 1*l.* notes, and before he left his lodging three 2*l.* notes: he left on the 2nd of March. On the Sunday after his return he bought a new coat, and the next day a new hat. He said he was to have 50*l.* for what he had done. He did not wish any one to know where he was going to, and wished it to be kept a secret.

The landlord of the "Rose" at Dartford proved the receipt of a letter from Sandom, dated Northfleet,

Monday morning, requesting him to send a chaise and pair to bring back to Dartford and to have four good horses ready to go on to London with all expedition. The chaise which he had sent to Northfleet drove furiously into his inn yard, with two gentlemen and Mr. Sandom, with white cockades in their hats, the strangers had flat cocked opera hats to resemble those of the foreign military, and were dressed in blue clothes.[1] The excitement in the yard, however, was such, that he spoke with hesitation as to their dress, being eager to get them off to London, as they would not stay to breakfast. Sandom said they had breakfasted with him; that they were

[1] On the 8th of March, Holloway, who up to that time protested his innocence, brought Sandom before the Sub-Committee of the Stock Exchange, when he gave the following account of his knowledge of the men—an ingenious, impudent story, worthy of reproduction: "The men came to his house at Northfleet in a six-oared galley, with a letter of introduction from one Partridge, a shipping agent, and a request that he would go with them to London, and not ask them for money. They spoke nothing but French to him, not twenty words on the road. When near London he found they could speak English; and when he asked them the news, they wrote down "Lez Alliez a Paris," "Le Tyran blessee," "Vivent les Bourbons." He paid for the chaise. They went down the turning to Rowland Hill's Chapel (Charlotte Street), and took a boat at Westminster Bridge to go to Whitehall. He wanted them to stop at the Mansion House; they refused, as they wanted to go to Lord Liverpool. He sent for the chaise from Dartford. They went down the passage (where, he does not say), into a little room, and then up a flight of wooden stairs, and then said, 'We don't want you any farther.' Thought he had seen McRae at Holloway's, but not certain." Subsequently it was proved that Partridge had never written any letter, or seen Mr. Sandom since Feb. 11.—Minutes of Sub-Committee, March 8 and 14.

strangers to him, but he knew brought great news. One of the post-boys that drove them to London, had better opportunities, and could speak clearly to their being dressed in blue coats, with military hats; but that when they got out at the Marsh Gate the costumes had been discarded, and ordinary dress assumed. The confession of the defendants Holloway and Lyte finished the story. Holloway admitted that he had designed the scheme, and Lyte, that he and McRae personated the French officers. The former was frightened when he saw the effect his project had created, and found the Committee of the Stock Exchange determined to trace out the frauds of that day, and came forward with his confession in the hopes of the Committee not proceeding against him to extremities. He, however, denied that he had any connexion with the Cochranes and Mr. Butt, or anything to do with the De Berenger fraud.

Probably to this extent he spoke the truth. He was never asked if he knew of the fraud having been concocted; and it certainly passes all reasonable credence to believe, that without some knowledge of the character, the time, and the place of that fraud, he should have prepared and carried out a scheme which fitted in so perfectly with that of De Berenger's as to appear to be the second act in the great imposition. According to De Berenger's confession, though he was sounded as to some project of a Cossack riding into London with great news early in February, and asked to prepare a project that would affect the funds, it was not until the 19th of February that he revealed his scheme to his employer, and was by him per-

suaded to carry it out that very night. Vinn places the first suggestion of the McRae project as far back as the 14th of February, and speaks of the publicity which he had given to it. If, as Holloway and De Berenger both declared, the two schemes were devised and carried out without any mutual concert, their development at the same time and place is one of the most extraordinary of coincidences. It is even more strange that after all the publicity shown to have been given to the design by Vinn, Holloway and De Berenger should have persevered in carrying out a fraud for which they must have known the Stock Exchange was well prepared, and that the dealers on the Exchange should not have at once discredited the news and warned their customers against placing any credit in it. The publicity given to McRae's scheme rests solely on Vinn's unconfirmed statement, and may well be discredited when we remember with what eagerness the report of such an intention would have been circulated by the newspapers. The probability is that this part of his statement was an afterthought, prompted by his desire to appear to have done his best to crush such a disgraceful project in its inception.

VI. The Evidence for the Defendants.

For the defendants, the case of Lord Cochrane was rested on his own affidavit, supported by the evidence of King, the lamp-maker, and of Dewman, his servant; the exposure of Le Marchant, and the formal proof that Sir Alexander Cochrane had made an official applica-

tion for De Berenger to accompany and remain with him as a rifle instructor on the North American station.

For De Berenger, an attempt was made to account for his possession of money from Johnstone; to deny that the Dover letter was in his handwriting, and to contradict the evidence of the landlady and her husband of his not being heard or seen in his lodgings after he left at about eleven on the Sunday, until his return at a little after five in the next afternoon. To the first point (which was equally important to Johnstone and Butt), Mr. Tahourdin, his solicitor, was called. He spoke to De Berenger's employment by Johnstone about the plans of the "The Vittoria," and the payment to him on this account of 100*l.* in the September of 1813, and some six or seven pounds in the subsequent February, to meet the cost of printing the prospectus of this scheme. He then produced a letter to himself from Johnstone, dated the 22nd of February, one day after the fraud, enclosing one of the same date from De Berenger, asking for 250*l.* on account of the plans, and further a loan of 200*l.* on the security of an undertaking of a Colonel Kennedy to purchase a share in De Berenger's oil patent. The real date of this letter was contested. The covering letter from Johnstone, as well as that enclosed to him, had been sent by hand, and therefore bore no postmark, and the only proof of the date was an endorsement by Tahourdin, made a few days after their receipt, when he tied up his papers. It was equally awkward that Tahourdin's letter in reply bore no postmark, and that though the witness was certain that

he wrote it on the day of its date (the 23rd) he could not remember whether it was posted or not. He then produced a receipt dated February 26th, for 200*l.* from Johnstone, signed by De Berenger, and a promissory note at six months for 200*l.*, of the same date, by him in Johnstone's favour. This was all he knew of the supposed payment to De Berenger, as he had never seen the money pass. The note of hand and the receipt had been given to him by Johnstone when he called on him some three or four days afterwards; and he added, "as I and De Berenger were not at that time on favourable terms, that will account for my not having delivered it over to him." By that time, in reality, De Berenger had left London.

Tahourdin was next asked about the handwriting of the Dover letter. He had seen De Berenger, who had been his client for six or seven years, write "a thousand times," and received a thousand letters from him." He unhesitatingly swore that the Dover letter was not in his client's writing. On being shown the road-book found in De Berenger's desk, in which was some writing in pencil, "he did not believe all of that to be in his handwriting—some part of it looked more like it than the other part." In this evidence he was confirmed, not only by his clerk, but by Lord Yarmouth (in whose volunteer rifles De Berenger was adjutant), "who had received a great many letters from and seen him write occasionally." "The character of the letters was longer than the very small round hand De Berenger generally wrote." Whether it was in a feigned hand, Lord Yarmouth

could not say, "he was not a competent witness." He added, however, "There is one letter creates a suspicion, but I should never have suspected it on a cursory view of the letter—the R before DU BOURG; but that I should never have looked at or suspected; that looks more like his handwriting than any other part; it looks very much in the way he makes the R in RANDOM." It is possible, therefore, that De Berenger spoke the truth when he said that the Dover letter was written for him by a friend on the day he left town, and that the one he wrote at Dover was only a blind, and left purposely wafered, that it might be opened and the news extracted, and was subsequently destroyed. One other piece of evidence of great value was given by Lord Yarmouth, who described the uniform of his corps as "*dark green with a crimson collar and cape.*"

De Berenger's servants, Smith and his wife, were next called. Smith, after stating that he was positive that the Dover letter was not in his master's handwriting, swore that De Berenger was at home on Sunday the 20th, went out about nine and returned about eleven, and stayed there till four o'clock, when he went out again; that he was not at home when the witness returned about eleven, but came back in about five minutes after him. He heard him go upstairs to his bedroom that night, but did not see him on the Monday till three in the afternoon. He denied that he had told Murray that his master slept from home that night, or either of the Davidsons that "not finding him at home when he himself returned, he had left the key in the usual place in the area, so that De

Berenger might let himself in." He acknowledged changing the 50*l.* note on the 27th—the day De Berenger left to go into the country. When his master returned on the Monday he saw a strange black coat in his room, and did not remark that it was too large for him. This witness's wife told the same story, and added that she made his bed on the Monday, but after De Berenger returned; that neither she nor her husband slept in De Berenger's bed on the Sunday night; that when he came home on the Monday he wore a black coat and grey overalls, and carried a bundle in which she saw a grey coat, such as he often wore, "just where the knot was tied." It appears that both the wife and husband had made affidavits of these facts on the 24th of March, in which she had sworn to seeing a green uniform in the bundle. On cross-examination she now said, in answer to the question of the Chief Justice, "What did you see besides the grey coat in the bundle?" "I saw nothing but that." "Recollect yourself," said Lord Ellenborough, "because you have sworn you saw a green uniform."—"There might be a green uniform." Q. "Was there or was there not?" A. "Yes, there was a green uniform." Q. "Was it in the bundle?" A. "Yes, it was in the bundle." Though she had been in De Berenger's service for two years and a half, she could not tell how long before the 20th of February she had seen him wear whiskers—"she did not know whether he had whiskers or not." Very little, if any, reliance could be placed on the evidence of these witnesses.

The Smiths having sworn that he did not leave his

house till four on Sunday afternoon, we find by the next witness, M'Guire, the ostler at a livery stables in Chelsea, that he was in his master's stable-yard at Chelsea, some four miles off, at quarter past six, inquiring for the London coach, and turning round and "setting out on foot for London" when told that it had left and that there would not be another ready until seven o'clock. The witness's reason for remembering the interview was, that he was so surprised to see him there, believing him to be in the Rules of the Bench, that when on that day fortnight, the 6th of March, he saw Smith, he asked him if his master was out of the Rules, and when he said he was not, told him of seeing him at Chelsea. McGuire's wife remembered her husband about ten at night telling her of his having seen De Berenger at quarter past six, and that he wondered whether he was out of the Rules. Her reason for fixing the day was, that it was the birthday of her first child.

According to his witnesses, that Sunday was a very busy day with De Berenger. One Henry Doyle Tragear, who had once carried on the hat trade near Holborn, but of late, for economical reasons, apparently connected with bankruptcy, had been lodging at Donithorne's, Mr. Johnstone's cabinet-maker, in York Street, Wesminster, told a very curious story. Being lazily inclined on that Sunday morning, he and his wife had been called up by Donithorne, as some one wanted to see over the house. On coming down stairs they saw De Berenger. How long he then stayed, Tragear did not know, but he saw him and Donithorne measuring the garden. De Berenger

returned in the evening between eight and nine, and again he saw him with Donithorne pacing and measuring the back garden of the house. Tragear's wife, who, with true feminine curiosity, had looked out of the window whilst she was dressing, saw him measuring the garden in the morning, and declared that during that visit De Berenger went all over the house, even to the attics. She also saw him on his return in the evening, again measuring the garden with Donithorne, one holding a rod, and the other taking notes on a piece of paper. It had apparently been a snowy day, followed by rain, and in such weather on a February night both she and her husband swore they saw them thus engaged. Donithorne, however, denied that they went into the garden in the evening. According to him, De Berenger then called merely to say when he should be able to draw a plan of the alterations proposed to be made, in order to turn the front into an inn, and the back part into pleasure-gardens.[2] It came out in cross-examination, that De Berenger called with some design for furniture to be made for Johnstone, and Donithorne then suggested to him to inspect the house and make measurement for the proposed plan. Donithorne seemed proud to admit

[2] De Berenger declares that this visit to the house of Donithorne really took place, but on the 24th of February, and that Lord Cochrane accompained him, going through the form of measuring whilst De Berenger pretended to take notes; the object being to discuss the position of affairs, and Donithorne's being selected as a scheme was proposed of converting this house, which belonged to Cochrane Johnstone, into a canteen. —"The Noble Stock Jobber."—See Appendix A.

that "by the desire of the Honourable Cochrane Johnstone, who thinks himself very ill-used by a set of villains, Mr. Tahourdin was then employed as his attorney in issuing 120 writs, in *qui tam* actions, the costs of which were of course to be borne by Mr. Johnstone, and not by the witness." With this witness the case for the defendants was closed.

The summings-up of Lord Ellenborough were so notorious for their unfairness, verging very closely at times on the misrepresentation of evidence, that it would be waste of space to reproduce his trenchant remarks in this case at any length. Throughout his charge he assumed the guilt of all parties alike, and made a special and personal attack on Lord Cochrane, whom he professed to regard as the chief mover in the fraud. He intimated that Lord Cochrane only disclosed De Berenger's name as his visitor on the 21st of February, when he believed that he was out of the kingdom—he represented to the jury that perhaps the leave of absence was obtained from the Admiralty only to draw their attention from the matter at issue —and that Lord Cochrane's oath to the transactions of February 21st was not worthy of credit—that De Berenger had not any means of shifting his dress in the coach, and that therefore he must have appeared before Lord Cochrane in his disguise.

"De Berenger." he said, "must have had this dress with him, whatever it was, in which he had come in the coach, and it does not appear that he had any means of shifting himself. If he had on an aide-de-camp's uniform, and so presented himself to Lord Cochrane, how could Lord Cochrane reconcile it to the duties he owed to society, to Government, and to his

character as a gentleman, to give him the means of exchanging it? *It must be put on for some dishonest purpose.* It is for you, gentlemen, to say whether it is possible he should not know that a man coming so diguised, and so habited—if he appeared before him so habited—came upon some dishonest errand; and whether it is to be conceived a person should so present himself to a person who did not know what that dishonest errand was, and that it was the very dishonest errand upon which he had been so recently engaged, and which he is found to be executing in the spreading of false intelligence for the purpose of elevating the funds. If he appeared to Lord Cochrane stripped of his coat, and with that red coat, star, and order, which have been represented to you, he appeared before him rather in the habit of a mountebank than in his proper uniform of a sharpshooter. This seems wholly inconsistent with the conduct of an innocent man; for if he appeared in such a habit, *he must have appeared to any rational person fully blazoned in the costume of that or some other crime.*"

Such remarks from a judge bear their own condemnation without further comment. It is only surprising that after such a charge—summing-up it was not—the jury should have taken several hours in arriving at a verdict of "Guilty" against all parties.[3]

What, however, in reality was the evidence given at the trial, on which the jury had to decide on the relative guilt of the several defendants? So far as De Berenger was concerned, nothing could be more clear than the proof of his acts at Dover, his journey to London, and his being driven to Lord Cochrane's.

[3] Lord Dundonald is mistaken in asserting in his "Autobiography," vol. ii., p. 380, that at the time of his trial Lord Ellenborough "was not only Chief Justice of the King's Bench, but a Cabinet Minister." As a Cabinet Minister he came in and went out with the Ministry of All the Talents.

Even had the witnesses to the *alibi* been more reliable, it would have been impossible to resist the well-connected chain of evidence by which he was traced as Du Bourg from Dover to London. That he was the actor of the fraud no one could doubt; who, then, was his employer? After the proof of the discovery of the bulk of the notes, originally obtained by Mr. Butt for Cochrane Johnstone, in De Berenger's desk, or that they had been passed by him for his own purposes, and of the visit of Johnstone to him on the eve of his flight from London, the jury were fully justified in fixing Johnstone as the employer of the sham Du Bourg and not unwarranted in implicating Mr. Butt in the same charge. The jury must also have felt the full force of the evidence of the enormous extent of the transactions of Butt and Johnstone in the funds on the fatal day, though undoubtedly those of Butt were far less extensive than those of Johnstone. The evidence on behalf of Johnstone to account for the payment of money to De Berenger, had too much the appearance of being made up for the occasion, and after the event to be credible, and in reality served to fix the complicity with De Berenger more clearly on him. The jury might have been justified in acquitting Butt, but they were justified in convicting him as the evidence stood before them. To have acquitted Cochrane Johnstone would have been a clear dereliction of their duty.

In Lord Cochrane's case there was nothing but the evidence of Crane to prove that De Berenger, when he arrived at Green Street, was in his disguise. Assuming that Crane spoke the truth as to the red

coat under the grey overcoat, it was quite possible for him to have been misled by the red cape and collar of the uniform of Lord Yarmouth's rifle corps. Against this solitary evidence of Crane, there is the voluntary statement of Lord Cochrane, and the startling improbability, had he been guilty, of his volunteering evidence, which could but throw suspicion on himself, and of being the first, as he thought, to put the prosecutors on the track of the sham Du Bourg. Again, there were the facts, so irreconcilable with complicity with De Berenger, that he should have been out of the way, when, if an accomplice, he must have known that the sham Du Bourg could come to his house, thus leaving him to be seen by his servants:—his absence from the city during that eventful morning, and the orders given to his brokers to sell—as they began to do before the news was known—at so small a profit. The discovery in De Berenger's possession of some of the 1*l.* notes, into which a portion of the notes given for the cheque originally drawn for and paid to him, was reasonably accounted for, and there was above all the inconsistency in a man of such an honourable character as Lord Cochrane having anything to do with a scheme of imposition. Still Crane remained uncontradicted. It was one of those cases in which the jury would have been justified in giving the defendant the benefit of the doubt, but it was also one in which they are not to be blamed for finding a verdict of guilty, especially as his case was not separated from that of the other parties.

Though there was no direct evidence to prove that the actors in the second part of the fraud had any

complicity with De Berenger, and it is possible to believe that it was an independent scheme, still the time, the place, and the character of the fraud, afforded such a strong presumption that it was part and parcel of that of De Berenger, that the jury could hardly avoid finding Holloway and his co-defendants guilty as parties to the fraud of De Berenger.

THE MOTIONS FOR A NEW TRIAL AND FURTHER AFFIDAVIT OF LORD COCHRANE.

On the 14th of June Lord Cochrane came into the Court of King's Bench, proposing to move personally for a new trial so far as he was implicated, being under the impression that some rule of practice would prevent his counsel from doing so. The point to which he referred was the late decision of the Court, that in such a case none of the parties could be heard, unless all were present. Such a rule was evidently so likely to be unfair in its operation, and was so clearly unjust in principle, that it ought never to have been made, and we have the authority of Lord Campbell for saying that it rested on a single case, which ought on the first opportunity to have been overruled. In insisting on this rule in Lord Cochrane's case, in which no doubt he was perfectly well aware that one if not more of the defendants had fled the country, Lord Ellenborough availed himself of the plausible reason, that, "if they were to adopt a different rule, it might very properly be said there was one rule for the poor and another for the rich." Lord Cochrane could only find occasion to state that

a gross error, of which he was unaware, had crept into the brief handed to his counsel, with reference to his servant's statement of the dress of his visitor, and that he had affidavits, all proving his innocence, sufficient to justify the grant of a new trial.

On the 20th Mr. Gurney moving for judgment, Sergeant Best raised, in arrest, a somewhat curious point, that a material averment in the indictment, "that there was war between England and the allies of England with France," had not been proved. It was, however, at once put aside by the remark of the bench that "there were too many statutes reciting the existence of a state of war not to make it notorious." The others which he submitted were—(1) That there was no offence known to the law stated in the indictment, the raising the price of the funds not being necessarily a crime. (2) That if there be any such crime, as is alleged, the persons who are affected by that crime are not particularized. (3) That there is no "Kingdom of England," this kingdom now being the United Kingdom of Great Britain and Ireland, into which the Kingdom of England is merged, and that nothing charged in the indictment has reference to any funds or Government securities, except those of that part of the United Kingdom called England. On Best stating that he now appeared only for Mr. Butt, Lord Ellenborough, with some temper, remarked, "This is a new proceeding, that counsel should renounce some of their clients to save the rest." "Lord Cochrane," replied Best, "has desired me not to move on his behalf, and I may state so much for him, that he has no intention of moving in arrest of

judgment. Mr. Cochrane Johnstone is not here." The imputation on Sergeant Best was a gratuitous insult. The counsel for De Berenger confined his observations to the third point, the misdescription, in the indictment, of the funds, as those of the Kingdom of England. With this point Lord Ellenborough did not condescend to deal. In a very brief judgment he held that "a public mischief was stated as the object of this conspiracy—that the conspiracy was by false rumours to raise the price of the public funds, and that that crime was complete, even if it had not been pursued to the consequences: that it was a fraud on all the public who might have to do with the funds on the day to which the conspiracy applied. As to the second point he held, that, besides its being impossible, without the gift of prophecy, to know who would be purchasers on that day, which was an excuse, that if it were possible "the multitude would be an excuse in point of law. But that such a statement was unnecessary, as the conspiracy was complete independently of any persons becoming purchasers."

The other judges, however, were equally against the third point. "The other objection," said Mr. Justice Bayley, "is that the indictment describes the funds to be raised as the funds of *this Kingdom*. It is true that since the union the funds which are raised must be raised in certain proportions upon one part of the kingdom and upon the other; but when those funds are raised they become respectively the funds of the kingdom—they are raised by the legislature of the kingdom, and are applied by the

Government of the kingdom to such purposes as Parliament say they are to be applied to. If you can properly predicate of them that they are funds in part only applicable to England, and in part to Ireland, still it is true that those two funds do constitute the funds of this kingdom; and when it can only be said that the funds of this kingdom are distinguishable into British and Irish funds, then when you speak of the funds of this kingdom, you mean both British and Irish funds."

Lord Ellenborough having read his notes of the evidence, Lord Cochrane read his explanation of his imputed connexion with the conspiracy, and tendered affidavits in support of his motion for a new trial. His knowledge of the leading defendant arose "from his having met De Berenger in public company, but he was not on terms of intimacy with him. With Mr. Cochrane Johnstone he had the intercourse natural between such near relatives. Mr. Butt had voluntarily offered, without reward, to carry on for him stock transactions, in which thousands as well as himself were engaged, in the face of day, without the smallest imputation of anything incorrect." The other defendants were wholly unknown to him, nor had he ever, directly or indirectly, held any communication with them. The affidavit, by making which it had been said he had incurred the moral guilt of perjury without exposing himself to the legal penalties, he had now re-sworn, so as to be answerable to the laws if he had falsely sworn. He also tendered the affidavits of three persons who saw De Berenger at his house on the 21st of February, fully confirming the state-

ment he made in his affidavit.[4] As for the bank notes traced to him, he paid them to Mr. Butt in repayment of the loan. Butt changed them, and from the moment they passed to him, Lord Cochrane knew nothing of them.

The visit of De Berenger, which he had previously accounted for on innocent grounds, "was probably paid with the intention of facilitating his escape by going immediately on board the 'Tonant,' with the additional prospect of employment in America."

"Again," he continued, "I am said to have left the tinman's (*where I think I should hardly have gone had I expected such a messenger*). As soon as I heard of the officer's arrival I was in apprehension of fatal news respecting my brother in France, from whom I had received a letter three days before, with the intelligence that he was dangerously ill, and now tender you his affidavit, with the surgeon's certificate, dated 12th February, which he brought home with him. And therefore, on receiving the note from De Berenger, whose name I was unable to decipher, and as that note announced that the writer, whom I learnt from my servant had the appearance of an officer in the army, who was desirous of seeing me, I hastened to learn the intelligence so anxiously expected; nor had I the least doubt that it related to my brother. When, however, I found that the person was De Berenger, and that he had only to speak of his own private affairs, the apparent distress he was in, and the relief it gave my mind to know that he was not the bearer of the news I dreaded, prevented me from feeling that displeasure which I might otherwise have felt at the liberty he had taken, or the interruption he had occasioned."—"That I did not learn the name of the writer from the note itself I have truly accounted for, by its being written so close to the bottom of the paper that I could not read it. This assertion is said to be

[4] The servants Dewman, Davis, and Mary Turpin. See *ante.*

contradicted by the circumstance of the writer having found room to add a postscript, as if there was only one side to the paper. Of the postscript I have no recollection, but it might have been written even opposite the signature. That I did not collect from the handwriting. That it was addressed to me by De Berenger is nothing extraordinary. My acquaintance with him was extremely slight; till that day I never received more than one or two notes from him, which related to a drawing of a lamp. I was too deeply impressed with the idea that the note was addressed to me by an officer who had come with intelligence of my brother, to apprehend that it was written by De Berenger, from whom I expected no communication, and with whose handwriting I was not familiar. *All that I could afterwards recollect of the note*, more than what is stated in my affidavit is, *that he had something to communicate which would affect my feeling mind*, which confirmed my apprehensions that the writer was the messenger of fatal news of my brother."

The madness of inviting detection (had De Berenger been his chosen instrument), by arranging that De Berenger should come to change his dress at his house in open day, was strongly put, and then he added,—

"Let me entreat your Lordship's consideration of the situation in which I stood when my affidavit was made; I was suspected of being connected with the pretended Du Bourg; if I had known that De Berenger was the person who assumed that name could I possibly have betrayed him, and consequently myself, more completely than by publishing such a detail to the world? *The name of De Berenger was never mentioned till brought forward in my affidavit, which affidavit was made, as sworn by the witness Wright, with the circumstance present to me, and remarked by me at the time I delivered it to him to be printed, that if De Berenger should happen to be Du Bourg I had furnished a clue to his detection.* The circumstance of his obtaining a change of dress at my house never could have been known if I had not voluntarily discovered it; thus I am represented as having brought him publicly to my house, of

being the first to disclose his name, and of mentioning a circumstance which, of all others, it was most easy to conceal, and if divulged, the most certain to excite suspicion."

Tendering the affidavits of his servants, that De Berenger appeared at his house in a green dress with a red collar, he accounted for his change of dress by its being effected in the coach, and the disguise put into the small portmanteau which he brought with him. As to De Berenger's unwillingness to appear before his colonel in his uniform, he asked, "Does any volunteer officer go out to make morning calls in his regimentals? Could so unusual a circumstance have failed to excite remark from Lord Yarmouth?"

After a few general remarks on points in the evidence, Lord Cochrane handed in a fresh affidavit, in which he adopted the facts detailed in his original one, with the following addition :—

"That he had not directly or indirectly any concern in the formation, or any knowledge of the existence of an intention to form the plot charged in the indictment, or any other scheme or design for affecting the public funds. That the sale of the pretended Omnium on the 21st of February was made in pursuance of orders given to his broker at the time of the purchase thereof, on or about the 14th of that month, to sell the same whenever a profit of one per cent. could be realized; and that those directions were given, and the sale thereof took place without any knowledge, information, hint, or surmise, on the part of this deponent of any concern or attempt whatever to alter the price of the funds, and took place entirely without this deponent's knowledge." He then relates how and why he returned home on the receipt of De Berenger's note, and that he found De Berenger in a grey coat and green jacket; that he never saw or had communication with Sandom and his friends; that he joined the "Tonant" at Chatham on the 8th of Feb-

ruary, obtained leave of absence on the 14th for a fortnight, in order to lodge the specification of his patent, that he was engaged on this till the 28th, and left town for Long Reach, whither his ship had been removed previously to his obtaining leave of absence early on the 1st of March, "that on the 8th or 9th of the same month placards were fixed in several of the streets, stating that a pretended Colonel Du Bourg had gone to his house in Green Street, and that in consequence he obtained leave of absence from the Port Admiral at Chatham previously to receipt of the same from the Admiralty, that he arrived in London on the 10th of March, and that without any communication with any one, on the impulse of the moment and solely with the desire of rescuing his character from misrepresentation, prepared and made his former affidavit, which he swore on the next day, and that at that time he had not seen or heard the contents of the report of the Committee of the Stock Exchange, except partial extracts in the newspapers."

He then relates his endeavours to obtain the evidence of Davis, his servant, who had gone with Admiral Fleming to the West Indies, and that he sent his three servants to prove the dress of his visitor, but that only one of them, as he is informed, was called. Even that one was not interrogated as to De Berenger's dress. Then after repeating his denial of seeing De Berenger in a scarlet uniform, or with medals or orders, in conclusion Lord Cochrane said, "He hath been informed and verily believes that the jury and the counsel for the defence were so completely worn out by extreme fatigue, owing to the Court having continued the trial without intermission for many hours beyond that time which nature is capable of sustaining herself without reflection and repose, that justice could not be done to this deponent."

On his proposing to read Dewman's affidavit, Lord

Ellenborough at once interposed with the assertion that "if the affidavit of a witness at a trial goes beyond what he then stated," it cannot be received, and Justice Bayley added that it was "a settled rule not to allow affidavits of persons who might have been called upon the trial, much less of persons who were called." The learned judges might have been reminded that in previous trials in that very Court witnesses had been allowed to supplement the evidence given by them in Court by affidavits, on motion for judgment.[5] The rule, if it then was a rule, must have been of very late creation. Gurney's remark that all these affidavits had been published long before the trial, and that the witnesses might have been called by his counsel, had it been thought that they would serve his purpose, was a home-thrust. We know now that the withholding of these witnesses was decided on by his counsel in consultation before the trial, one of the many cases in which counsel, with the best intentions, through an unwise fear of the failure of the witnesses for the defence, injure the cause of the client they really wish to serve. His brother's affidavit of his dangerous illness abroad, and his having written to him on the subject, though read, was of little value, as Lord Cochrane had not attached to it the letter from his brother, and thus clearly shown his receipt of it on the Friday before his interview with De Berenger.

[5] See Davison's trial, *ante*, vol. i. p. 234, when Stanbank and De Lancey were both allowed by Lord Ellenborough to contradict the evidence given by them at the trial, when Davison was called up for judgment.

De Berenger's statement was solely *ad misericordiam*, detailing the loyalty and consequent losses of his family, his own good service as a volunteer, the length of imprisonment he had suffered since the 8th of April, and the degradation and ruin of his prospects. Mr. Butt made a short statement, in which he explained the fact of the notes which passed through his hands having been found on De Berenger.

"They must," he said, "have done so unavoidably, as he permitted, without thinking it any crime, at the solicitation of his friends, that all drafts connected with the Stock Exchange should be paid in his name, whether he was in London or not. He did, at any time, change notes, or lend Mr. Johnstone money, as a temporary accommodation when he wished it; and yet it was a fact that he did not see Mr. Johnstone till 2nd of January last. But it was impossible for him, and certainly a case of hardship, that he should be answerable for the manner in which these notes might be disposed of afterwards. There appears no witness on the trial that can give any extraordinary reason for my having paid the notes alluded to by Mr. Johnstone, for I might, hundreds of times, have paid notes to an equal amount to him, or any one else. The magnitude of my concerns in the funds was not, according to his calculation, anything extraordinary, neither was the sum he held on the 21st of February an act of premeditation, my concerns being as extensive before that period as at that time, and my profit on that day, which has been so much exaggerated, was only 1300*l.*, instead of 3000*l.*, as stated by the counsel for the prosecution."

De Berenger's counsel took the same course as his client had in his own statement, enlarging on his losses, and his long imprisonment (under the Alien Act) and in a distressed condition. For the other three (McRae had not appeared), it was urged that there was no evidence of complicity with the scheme

of De Berenger, that Holloway and Lyte had made a clean breast of it to the Stock Exchange, and therefore done their best to repair the wrong they had committed. In this view Gurney joined, confining his remarks, in aggravation of punishment, to the cases of the other defendants. Against Lord Cochrane he was most bitter, ridiculing the idea of calling his servants to disprove what he assumed to have been proved to demonstration, that De Berenger went into the house in Green Street in a scarlet dress. Lord Cochrane's previous services "had neither been forgotten nor unrewarded by his sovereign," and his position in Parliament, "which imposed on him the duty of watching, and if necessary, of animadverting on the conduct of others, especially bound him to guard the purity of his own. For all this," he added, "what return has he made? He has engaged in a conspiracy to perpetrate a fraud by producing an undue effect on the public funds of the country, of which he was an appointed guardian, and to perpetrate that fraud by falsehood. He attempted to palm that falsehood upon that very board of government, under the orders of which he was fitting out, on an important public service; and still more, as if to dishonour the profession of which he is a member, he attempted to make a brother officer the organ of that falsehood." He reiterated the charge of the "moral turpitude of perjury without its legal responsibility," and urged that "two of the actors in the fraud, though convicted, stood unrepenting." Such was the spirit in which the prosecution was conducted.

The Sentence.

On the morrow Mr. Justice Le Blanc passed sentence on the defendants, so extreme in its severity as to astonish every right-minded man, and to justify the opinion that it was dictated by Lord Ellenborough, in whose hands the puisne judges of his bench were mere machines to carry out his imperious orders. However disgusted one must feel at the imposition that had been practised on the Stock Exchange, it is absurd to say that its effect was really to the detriment of any but brother gamblers in the funds, dealers in "time" bargains too accustomed one would have thought to the circulation of false intelligence in the interest of "Bulls" or "Bears" to have been deceived. It was not by any means the only false intelligence which in those days of painful excitement had been circulated among the gamblers in the funds. Still we are far from blaming the Stock Exchange for instituting the prosecution. In previous similar cases they had failed to obtain sufficient evidence to warrant a trial; but it was not so in this case, and it was high time that a stop was put to the circulation of false news. It was certainly not the amount of losses by its members that prompted the action of the committee. "The Stock Exchange," said the resolution of the 15th of March, "will pay all its losses, but it will not consent that the money shall go to the originators of the fraud."[6] With this object the money differences of the four

[6] Minutes of Committee of the Stock Exchange.

brokers who had transacted business for the parties presumed to be implicated were paid to trustees to abide the event of the trial, and in the end distributed among the charitable institutions of the metropolis.

We have, however, as little feeling for the sufferers as for their deceivers, and though punishment must necessarily have followed the verdict, after the refusal of a new trial on a mere technical point, anything like personal indignity ought to have been avoided. Two of the defendants, Lord Cochrane and Mr. Butt, were fined 1000*l.* each, and on Holloway a fine of half that amount was imposed. With this portion of the sentence, in the face of the verdict, we do not quarrel. The whole of them in addition were sentenced to be imprisoned in the King's Bench Prison for a twelvemonth. We will not even quarrel with this. When, however, a brand of personal indignity was sought to be fixed on Lord Cochrane and Mr. Butt, by sentencing them to exposure in the pillory for two hours in the front of the Royal Exchange. public feeling was outraged, and political if not personal spite freely charged on Lord Ellenborough. Happily for the credit of the Government, public opinion prevented this insult being inflicted. With his wonted manliness Sir Francis Burdett declared that he would stand beside his colleague, did the Government dare to carry out that part of the sentence. That a serious riot would have been the result of an attempt to place Lord Cochrane in the pillory, no one doubted, and his brother defendant obtained the benefit of Lord Cochrane's popularity. The Government shrunk from carrying out this part

of the sentence, and it was remitted by Royal warrant. Most unintentionally, no doubt, Lord Ellenborough brought about the abolition of this miserable remnant of brutality, when he sentenced the hero of the Basque Roads to its ignominious infliction.[7]

THE SUBSEQUENT CAREER OF LORD COCHRANE.

Undoubtedly, in the conduct of his own case, Lord Cochrane sacrificed himself out of feeling for his uncle Cochrane Johnstone, of whose complicity in the plot there could not be the slightest doubt, and who hoped to save himself at the expense of his relative. His political opponents were not likely to neglect the

[7] The punishment of the pillory was established in the forty-first year of Henry III., and not finally abolished until the first year of Queen Victoria. In consequence, however, of the feeling created by Lord Cochrane's sentence, in the session of 1815-16, it was abolished for all cases except perjury. The decision of the Government was hastened by the motion of Lord Ebrington in the House of Commons on the 19th of July for an address to the Regent to remit the exposure in the pillory on the ground of Lord Cochrane's "eminent professional services." Its remission on this ground was repudiated by Lord Cochrane in a letter to Lord Ebrington, in which he said "he could not consent that any past services should be prostituted to the purpose of protecting him from any part of the vengeance of those laws which he was judged to have offended. If," he added, "I am guilty, I richly merit the whole of the sentence which has been passed on me. If innocent, one penalty cannot be inflicted with more justice than another." In consequence it was proposed to leave out the words referring to his past services. On this Lord Castlereagh announced that the Crown had remitted the punishment of the pillory.

opportunity they now had of silencing him in Parliament. On the 5th of July, in the face of his most solemn assertion of his innocence, Lord Cochrane was expelled from the House of Commons by an overwhelming majority, and a new writ ordered for Westminster. Such, however, was the feeling in his favour, that at a mass meeting of the electors, held only a few days after his expulsion, his innocence was unanimously affirmed, the verdict scouted, and the vindictiveness of the punishment bitterly denounced. His re-election was unanimous, Sheridan, his former antagonist, refusing to oppose him. His expulsion was soon followed by the striking his name out of the Navy List, and the roll of the Order of the Bath; and on the 11th of August his armorial bearings were taken down from their place among those of his brother knights in Henry VII.'s Chapel, and his banner kicked down the steps by an order from Lord Sidmouth.

Until the 6th of March, 1815, he remained in the King's Bench, not in those days so very uncomfortable a place of abode, busying himself in completing his lamp—which was introduced with success in the streets of one of the parishes of Soho—and indicting letters of thanks and exhortation to his constituents. On that day, probably by the connivance of the gaoler, he escaped from prison, went home to his house at Holly Hill in Hampshire, and lived there in an open and unguarded way, until he sent a note to the Speaker of his intention to take his seat and make a motion against Lord Ellenborough.

On the 20th of March, having entered the House

of Commons before prayers had been read, he was detained there, under the excuse that his writ had not been returned, until the Marshal of the Bench could be fetched, and his arrest effected without a breach of privilege, on the ground that he had not taken the oaths. Until outside the precincts of St. Stephen's he compelled the officers to carry him by force, but when once beyond the boundary went peaceably back to prison. He was treated with cruelty by the enraged Marshal, who hoped thus to make him anticipate the payment of his fine. His severity, however, so seriously affected his prisoner's health that he was soon compelled by the certificates of doctors to give him better quarters. On the 20th of June his imprisonment terminated, if he would only pay his fine. For a fortnight he stoutly refused, but at last, by the persuasion of his friends, for fear of the effect of further confinement, he sent the money, with this message, "I submit myself to robbery to protect myself from murder."[8] It is curious to note, that when he hastened at once to take his seat, he arrived just in time to vote against a grant of 6000*l.* a year which the Ministry had proposed in favour of the Duke of Cumberland, and that it was practically his vote that defeated the proposal.

[8] The 1000*l.* note (No. 8202, June 26, 1815,) bore the following endorsement:—"My health having suffered by long and close confinement, and my oppressors being resolved to deprive me of property or life, I submit to robbery to protect myself from murder, in the hope that I shall live to bring the delinquents to justice." This note is still shown at the Bank of England among its curiosities.

The prorogation of Parliament prevented his attacking Lord Ellenborough until the next year. Then early in March he brought thirteen charges against the Chief Justice, for his unfair conduct during the trial, and eventually moved to refer them to a Committee of the whole House. It was not likely that he should succeed, but it is somewhat startling to find that no one divided with him except his Westminster colleague. On this rebuff he launched into the most violent Radicalism—a course he subsequently regretted—bitterly denouncing as hypocrites those who proposed the precarious charity of a public subscription for the unemployed workmen as a remedy for the distresses of the people.[9]

But he was not clear of the law courts. In May he was prosecuted, and fined 100*l.*, for his escape from the King's Bench, and on refusing payment

[9] Bamford, the weaver-poet and Radical delegate from Middleton, gives the following portrait of him at this period :— "On arriving at Palace Yard we were shown into a room below stairs, and whilst Lord Cochrane and Hunt conversed, a slight and elegant young lady, dressed in white, and very interesting, served us with wine. (She is now, if I am not misinformed, Lady Dundonald.) At length Lord Cochrane came to us. He was a tall young man ; cordial and unaffected in his manner. He stooped a little, and had somewhat of a sailor's gait in walking ; his face rather oval, fair naturally, but tanned and sun-freckled. His hair was sandy, whiskers rather small, and of a deeper colour, and the expression of his countenance was calm and self-possessed. He took charge of our petition, and being seated in an arm-chair, we carried him on our shoulders across Palace Yard to the door of old Westminster Hall, the old rafters of which rang with the shouts of a vast multitude."— "Some Passages in the Life of a Radical," vol. i. p. 22.

arrested in the November following, and at first badly treated, and only on remonstrance removed to better rooms. Now it was that he received the most remarkable proof of his wide-spread popularity. To meet the present fine, and to reimburse him the 1000*l.* he had already paid, a penny subscription was commenced, to which 2,640,000 persons contributed. So eager were the poorest to subscribe, that the subscription had to be closed long before the excitement had subsided.

For the next two years he was the accepted leader of the Ultra Radicals, dividing the honours of the metropolis with Burdett, whose reform motions he uniformly supported. What with such meetings, and litigation about the Basque Roads prize-money, as well as the proceedings against him for the cost of a breakfast to the electors of Honiton, he passed a busy time, and yet felt that he was out of his right sphere. He yearned for service at sea, and when it was denied him by his country's Government, accepted the tempting offer made to him by the authorities of the youthful Republic of Chili to help them in their bitter struggle for independence. On the 15th August, 1818, Lord Cochrane sailed for Chili, reached Valparaiso at the end of November, and at once took the command of what was called the Chilian fleet—one frigate, two old Indiamen, and four small vessels. Opposed to him the Spaniards possessed fourteen ships, several of them of a powerful class, and seven gunboats ; but with their usual dilatoriness, only ten of their warships were ready for sea.

Cochrane commenced operations without delay.

Though twice foiled in his attack on the powerful batteries of Callao—the first time by a fog, the second time by the faulty construction of his rockets and the waste of a fireship—on the first attack he forced the Spaniards to withdraw their fleet behind the shelter of a boom, and on the second destroyed two Spanish ships of war. In his attack on Valdivia, the centre of Spanish power, he captured a pilot, made him take his frigate into the channels leading to the forts, and then when fire was opened on him, having got the required information, captured a treasure-ship with 20,000 dollars, obtained 250 soldiers, a schooner and a brig, and returned to Valparaiso with his prizes, to prepare for a second attack. On the 2nd of February, 1820, he accomplished his greatest enterprise, the capture of the forts of Valdivia. Passing through the narrow entrance to the harbour, which was commanded by the fire of the forts, he landed his small detachment of troops, not 150 in number, gradually captured fort after fort, forced the garrison to evacuate all its positions, and took possession of an enormous quantity of warlike and public stores, and a ship which afterwards sold at Valparaiso for 20,000 dollars.

The popular enthusiasm with which he was received was soon changed for suspicion, and his best exertions in the Chilian cause were marred by the envy of the Senate, which controlled all operations. The threat of resignation at length worked a change, and Cochrane was once more at sea. Though for a time thwarted in his movements by the schemes of the commander of the land forces, San Martin, who was

then projecting his desertion to Peru, in November he struck a death-blow to the Spanish navy by cutting out the "Esmeralda" from under the batteries of Callao. "Two frigates and some smaller ships," writes Basil Hall, "was all that was then left of the Spanish fleet, and they were afraid to show themselves. The name of El Diablo, which the Spaniards had given him after his first attack on Callao, was well deserved."

But he had not yet completed his work. In July, 1821, with 600 soldiers he captured Lima, and inflicted another severe blow on the Spanish power. It was now that the traitor San Martin deserted Chili, and set himself up as the Protector of Peru. Little knowing with whom he had to deal, the traitor proposed to Cochrane to carry over his fleet to that state, and on his indignant refusal, refused to pay either the arrears of pay or the promised gratuity to the fleet. Cochrane at once sailed to Ancon, seized the money captured from the Spaniards which San Martin had deposited there, restored so much of it as lawful owners could be found for, and applied the rest (285,000 dollars) in paying the arrears of his sailors, reserving nothing for his own share. Though hampered in every way by the miserable Government of Chili, and personally ill-treated, Cochrane remained in the service of Chili for another year. When, however, San Martin, driven from Peru for his tyranny, returned to Valparaiso, and a revolution placed the Government of Chili in the hands of a weak but honest man, who was in the power of incompetent and dishonest ministers, Cochrane finally resigned and accepted the offers of the Government of Brazil. Within three months the Chilian Govern-

ment begged him to return ; but it was too late, and then they signalized their ingratitude by resuming the estate which they had given him for his services. How true is it that there are some obligations so great that they can only be repaid by ingratitude!

In Brazil he had one man, and one only, the young Emperor, on whom he could place reliance. On the 21st of March, 1823, he was created Admiral of the Fleet, and on the 1st May, unaided by the remainder of his ships, in his own ship he engaged a superior Portuguese fleet, and cut off four of their rearmost vessels. So miserable did he find the condition of the boasted Brazilian fleet, that without delay he transferred all the best men and serviceable stores and fittings to his flagship, and with the help of one other smaller vessel, and a few fire-ships which he had prepared, blockaded Bahia, where the whole fleet of Portugal, of seventeen war-ships and seventy transports, had taken refuge. On the 12th of June, in the darkness of the night, he entered the harbour, sailed round the Portuguese fleet, and so terrified its commander that he hurried out of the port with his ships and transports and set sail for Europe. For fourteen days Cochrane, with only his own flagship and the "Maria de Gloria," hung on the rear of the retreating armada, captured half the troops with which the transports were crowded, and chased the remainder beyond the equator, half-way to Cape de Verde, when he let them fly in peace to Lisbon. In July he was back on the coast, captured Maranham, and thus reduced one of the richest provinces of Brazil, and followed that up by the capture of Para. Practically

he had achieved the independence of Brazil; but though in the first burst of enthusiasm he was rewarded with adequate honours, he too soon found that his honourable friend the Emperor was powerless to protect him from suspicion and intrigue, from envy of his great deeds. Eventually he was treated even worse than by the Chilians; his pay withheld, his prize-money refused, and a plot laid to search his flagship for money which he was accused of having concealed. This plot, based on a review of troops, was only frustrated by his forcing himself into the presence of the Emperor, who, by postponing the projected review, defeated the deep-laid scheme of insult. After an indignant protest at such treatment, and an offer to resign his command, a small portion of his pay and prize-money was paid; but so continuous were his troubles with Ministers, that in the summer of 1825 he left Brazil, never to return to her service, arrived at Spithead on the 25th July, and after waiting in vain for orders from the Brazilian envoy, finally resigned the command in which he had won an equal amount of ingratitude and honour.

Lord Cochrane had hardly resigned the Brazilian command when he was invited by the Greeks to assist in the cause of their independence. At that period the Greek patriots were seriously disheartened by the snccessful progress of the Egyptian troops in the Morea, and the overwhelming fleets which Turkey and her dependents maintained in the waters of Greece. To the invitation of Mavrocordato, in September, 1825, Lord Cochrane, after consultation with his friends, acceded, and turned his atten-

tion without delay to building and fitting out, in England and New York, such a small but efficient fleet as might enable him to render efficient assistance to the cause of Greece. In all probability, could he have remained in England and personally have superintended the construction of the engines of the steam-frigate on which he placed so much reliance, the delays and difficulties with which he had to contend might have been overcome. No sooner, however, had he returned to England than he found himself threatened with proceedings under the Foreign Enlistment Act, for his conduct in Chilian waters, and forced, under the advice of his friends, to retire to the Continent until a portion at least of the projected fleet was ready. For nearly two years he thus remained, wearied with delays and vainly expecting the completion of the promised vessel. During this period the cause of Greece had been rendered more than ever desperate by the fall of Missolonghi and the bad government and mismanagement of the factions who sought to rule over the small portion of territory still nominally free. Further delay would have been fatal. In March, 1827, in the little schooner "Unicorn," accompanied only by a small French brig, Cochrane entered the Ægean Sea, and in April took the oath of fidelity to the Greek cause, as First Admiral. Difficult as had been his task in dealing with the Chilians, that in Greece was almost hopeless. Apart from the quarrels between the rival factions, Lord Cochrane had to attempt to create a navy out of a fleet of pirates. Personally brave to a fault, but utterly undisciplined; perfect for a sudden rush against the enemy, but useless for

steady action; engaging only from month to month, and so little trusting their Government as to require the month's pay in anticipation, the sailors of the Greek fleet, though numerous, were practically useless. It was a hopeless and a thankless task to attempt to reconstruct a serviceable fleet, capable of coping with the heavy vessels of the Turks and the Egyptians, out of such materials. All that he could do was to scour the coasts of Greece, blockade now one and now another of the ports held by the Turks, make a few prizes, and help the scattered land forces of the Greeks in their desperate but unavailing, because ill-managed, defence of the Acropolis of Athens. In 1827 the declaration of England and Russia in favour of Greek independence changed the aspect of affairs; and the subsequent destruction of the Turkish and Egyptian fleets in the "untoward" battle of Navarino rendered the reconstruction of the Greek fleet a secondary object. Active operations were forbidden by the allies, and his exertions to repress piracy looked on coldly by the Greek Government. It was hopeless to struggle any longer with such a state of affairs, and in hopes of obtaining substantial aid from the Greek Committees in England he returned home. His mission was useless. The want of common honesty on the part of the Greek leaders had lost them the sympathy of their former friends; the loans that had been raised had been wasted; even the steamers promised years before remained unfinished. His return to Greece, his disputes with the Greek Government, his resignation, his ill-treatment, rapidly followed. After

four years of his life having been vainly spent in his efforts to serve Greece, he was glad to be "clear of a country in which ungrateful soil," he wrote to a fellow-labourer, "there is no hope of amelioration for half a century to come; unless, indeed, immigration shall take place to a great extent, under some king or competent ruler, appointed and supported by the mediating powers."

His fighting career had closed and his sole efforts were now confined to obtaining his restoration to the service and the honours of which he had been deprived. So long as George IV. lived he could effect nothing. The memorial to the king, stating his services and repeating in the most solemn form the assertion of his innocence of the crime for which he had suffered, though supported by the Duke of Clarence, was never laid before the monarch. The Duke of Clarence received the curt reply from the Duke of Wellington that the king's Cabinet could not comply with the prayer of the memorial.

On the death of George IV. and resignation of the Cabinet of the Duke of Wellington, he renewed his application under more favourable circumstances, but still without success. There were two members in the Cabinet who still opposed him, and though the king himself wished it, he could not prevail over their opposition. In July, 1831, he succeeded to the earldom of Dundonald on his father's death, but found it no easier to obtain a definite answer to his demand for justice than as Lord Cochrane. At length justice was done. On the 2nd of May, 1832, mainly through the untiring exertions of his noble and persevering wife, a

free pardon and his restoration to his position in the navy was granted, and on the 8th he was gazetted as a rear-admiral. In 1841, Lord Minto, the then First Lord of the Admiralty, offered him one of the good-service pensions, if he would accept it, as an evidence of the high estimation in which he had ever held his services. In the letter offering this testimonial to his worth and services, Lord Minto truly wrote, "Although you are one of the few who have not applied for this, I do not fear that any one of the numerous applicants can show so good a title to it." He had still, however, to wait for his restoration to the Order of the Bath. At length that was done, and on the 25th May, 1844, he was gazetted as a Knight Grand Cross of that Order.

One more mark of respect had to be paid. In January, 1848, Lord Auckland received the Queen's sanction to the appointment of Lord Dundonald to the command of the North American and West Indian station. "The whole British Empire," wrote Admiral White "has expressed great joy at this justice having been done to the bravery of your lordship as an officer, and your goodness and honour as a man." He had still many years of life, to the end of which the vigour of his mind was intact, as his pen testified. Within a month of his death he completed the second portion of his autobiography, a work as fascinating to the general reader as useful to the seaman. On the 31st of October, 1860, he died, after two years of great physical suffering; and though no public funeral was accorded to him, and no Cabinet minister attended his funeral, he was

buried with due honour in the Abbey, where, in his last moments, he expressed a desire to rest among the other great servants of the nation. Through the personal intervention of the Queen and the Prince Consort, who counteracted the efforts of subordinates, his insignia of the Order of the Bath were restored to their place before his funeral, and thus his last and most cherished wish fulfilled.

"At last his fame stands fair, and full of years
He seeks that judgment which his wrongers all
Have sought before him, and above his pall
His flag replaced at length, waves with his peers.

He did not live to see it, but he knew
His country with one voice had set it high;
And knowing this he was content to die,
And leave to gracious heaven what might ensue.

Ashes to Ashes! Lay the Hero down,
No nobler heart e'er knew the bitter lot
To be misjudged, malign'd, accused, forgot.
Twine martyr's palm among his victor's crown." [1]

"Of his long course of suffering," says his biographer, "it must be admitted, he was himself in some measure the cause. Endowed, as few others have been, with the highest mental qualities, he lacked other qualities necessary to worldly advancement, and the prosperous enjoyment of life. Truth and justice he made the guiding principle of all his actions, but he knew nothing of expediency, and was no adept in the arts of prudence. Unrivalled

[1] Tom Taylor.

strategy was displayed by him in all his warlike enterprises, but against the strategy of his fellow-workers he was utterly defenceless. He made enemies where a cautious man might have made friends, and he allowed those enemies to assail him, and inflict on him injuries almost irreparable, with weapons and by onslaught which a cautious man would easily have warded off. Judged by the harshest rules of worldly wisdom, however, it must be acknowledged that these faults brought upon him far heavier punishment than he merited. And perhaps it will be deemed by posterity that they were faults very near akin to virtues.—Guileless himself, he was not proof against the guile of many with whom he came in contact. Every kind word sounded in his ear, every kind act appeared in his eye, as if it proceeded from a heart as full of kindness as his own, and he often lavished sympathy and gratitude on unworthy objects—kindness was as much a characteristic of him as valour. While the world was full of his warlike achievements, all who came within the circle of his acquaintance marvelled to find a man so simple, so tender, so courteous and so generous. When he was bowed down by sorrows that nearly crushed him, he sought comfort in zealous efforts for alleviating the sufferings of others."

CHAPTER V.

THE AGITATION FOR PARLIAMENTARY REFORM; THE SPA FIELDS RIOT, DECEMBER, 1816; AND TRIAL OF WATSON FOR HIGH TREASON, JUNE 9TH, 1817.

THOUGH the question of Parliamentary Reform had been agitated at intervals, in the metropolis and the great manufacturing towns, the movement in its favour did not acquire consistency and importance until after the close of the war with Napoleon. The widespread distress that followed the cessation of a war expenditure, and the decrease of our manufacturing monopoly from the return of the continental nations to the ways and works of peace, forced the Reform question to the front. Early in 1816 Spencæan and Hampden clubs were established in the manufacturing counties, not only in the great centres of work, but in the village districts around them, amongst which political pamphlets, from the vigorous pen of Cobbett and others, now circulated at low prices, were notably effective. However unconstitutional may have been the wild schemes for the

partition of land, and village representation, advocated by the followers of Spence, those put forward by the Hampden Clubs were even for the period singularly moderate and practical. By their programme, the redress of the admitted grievances of the working classes was to be effected by opening the franchise to all males of eighteen years of age who paid taxes, annual parliaments, electoral districts returning one member for every 20,000 inhabitants, the abolition of the property qualification for members, and the prohibition of placemen or pensioners from sitting in the House of Commons. They sought for no interference with the Church, her rates, or her bishops, the working of factories, or the corn laws, and did not hint at the payment of members. In the words of that honest radical, Bamford, they sought to obtain universal suffrage and annual parliaments, in the firm hope that then "whatsoever thou wouldest would be added thereto." Many, probably most, of the members of these clubs, were at their foundation honest radicals, desirous of obtaining their objects by constitutional means. There were, however, among them from the very first, not only men in correspondence with and in the pay of the police authorities, but others who for their own wicked ends suggested treasonable purposes.[1]

In the provinces the members of these clubs were

[1] "Some Passages in the Life of a Radical," by Samuel Bamford, 2 vols., 1844, vol. i. chap. i. These details, and the sketches of Hunt, Cobbett, and Major Cartwright, are taken from the honest confessions of the Weavers' poet, who certainly was no revolutionist.

confined to working men, some of them self-educated to a high degree of knowledge, but the bulk illiterate, and easily worked upon by bolder spirits, and ready to become tools in the hands of crafty, designing spies. Among their leaders, Henry Hunt, Cobbett, and Major Cartwright held the first place. Hunt, who was born in 1773, at Uphaven, in Wiltshire, had inherited a considerable property, and was well known previously to this time as an opulent farmer, and regular attendant at Devizes market. When a young man, like Cobbett he was a decided royalist, in 1801 tendering the whole of his stock, worth 20,000*l.*, to the Government, if it were needed, and undertaking to equip himself and three of his servants as volunteers for any cavalry regiment that might first charge the expected invaders. For this offer he received the thanks of the Lord Lieutenant of his county. Eventually he joined the Marlborough troop, but unfortunately having a dispute with Lord Bruce his colonel, challenged him, was indicted, found guilty, and sentenced to six weeks' imprisonment, and a fine of 100*l.*, and his name struck off the muster roll. After this—probably on account of this event—he became a changed man, throwing himself into the Radical movement, associating with men who, whether he knew it or not, were among the most disaffected, and being looked up to by them as the fearless leader of their party.

Bamford, who saw him in 1817, when the Lancashire reform delegates went to London, gives the following portrait of this popular chief:—

"Gentlemanly in his manner and attire, six feet and better

in height, and extremely well formed, he wore a blue lappelled coat and waistcoat, and top boots; his leg and foot were about the neatest and firmest I ever saw; features regular, and a kind of youthful blandness about them which, in amicable discussion, gave his face a most agreeable expression. He wore his own hair, which was moderate in quantity, and a little grey; his lips were thin and receding, but there was a dumb utterance about them, which in all portraits I have ever seen was never truly copied. His eyes were blue or light grey, not very clear nor quick, but rather heavy, except, as I had afterwards opportunities for observing, when excited or speaking, at which times they seemed to extend and protrude, and if he worked himself furious, as he sometimes would, they became blood-shot and streaked, and almost started from his head. Then it was that the expression of his lip was to be observed, and the kind smile was exchanged for the curl of scorn, or the curse of indignation. His voice was bellowing; his face swollen and flushed; his gripped hand beat as it were to pulverize, and his whole manner gave token of a painful energy struggling for utterance. He was constantly, perhaps through good, though mistaken intentions, placing himself in most anxious situations. No repose, no tranquillity for him. He was always beating against a tempest, of his own or of others' creating. He had more to sustain than any other man of his day and station, and should be judged accordingly."

Cobbett had all the appearance of a gentleman farmer. "He seemed," says Bamford, "to have that kind of self-possession and ease about him, together with a certain bantering jollity, which are so natural to fast-handed and well-housed lords of the soil—with a fresh clean round cheek, and a small grey eye twinkling with good-humoured archness; in short, he was the perfect representation of what he always wished to be—an English gentleman farmer."

Major Cartwright at this time was very far advanced in years, but still straight for his age, pale,

and with an expression of countenance in which firmness and benignity were most predominant. . . Well born and well educated, and possessed of independent means, in early life he had entered the navy, but subsequently became Major in the Nottinghamshire Militia, from which he had been superseded many years before his death on account of his political views and acts. As an amateur politician he had published, numerous pamphlets, and made frequent speeches in favour of American Independence, universal liberty, and radical reform, and had shown great firmness and disinterestedness in his advocacy of popular rights. He was no revolutionist. The maxim which he strenuously urged on his admirers was "Hold fast by the laws." He was too honest for one section at least of those who professed to look up to him as their leader.

In the metropolis the Spencæan were far more numerous than the Hampden clubs, and many of the men connected with them were undoubtedly ready for, if not engaged in, treasonable practices, Among the most active were the Watsons, father and son—both men of education, nominally practising medicine—and Arthur Thistlewood, notorious three years afterwards as the leader in the Cato Street Conspiracy for the murder of Ministers. Born in 1772, the son of a respectable farmer near Lincoln, Thistlewood became a Lieutenant in the Militia in 1797, married a lady of fortune, who died within eighteen months of their union. From the time of her death his habits changed for the worse, squandering his property in gambling and dissipation in London, and making

occasional visits to France and America, where he imbibed the political principles by which his subsequent career was influenced. Again he married a lady of fortune, but soon wasted that in gambling, and getting connected with the bad spirits of the metropolis, became an object of suspicion with the Government.

Ostensibly the aims of the Watsons and Thistlewood were the redress of grievances by means of parliamentary reform. For effecting this, meetings were called in Spa Fields on the 15th November, and the 2nd December, 1816, nominally to petition the Regent, but really, if certain witnesses were to be believed, to force him to change his Cabinet and to initiate a revolution. At the first meeting, Hunt and the younger Watson were the leading actors, and all that was done was to adopt the proposed petition and to adjourn to the 2nd of December. At the latter meeting, before Hunt's arrival (whether by preconcerted arrangement or on the spur of the moment, must be matter of opinion), the mob were led by Watson into the city, where they ransacked the shops of the gunmakers, made a foolish demonstration before the Tower, and finally dispersed at the sight of a small detachment of its garrison. For some of the mischief then effected several of the mob were tried and punished, and the reputed leaders arrested with the object of being indicted for a riot: this charge, however, was subsequently abandoned, and indictments for high treason preferred against them.

On the 28th April, 1817, true bills for high treason

were found by the grand jury of Middlesex against Arthur Thistlewood, James Watson the elder, Thomas Preston, and John Hooper, in connexion with the Spa Fields meetings of the 15th of November and the 2nd of December, 1816. In consequence of the number of witnesses proposed to be called—nearly 250 in number—the trials did not commence until the 9th of June, when that of the elder Watson was taken before Lord Chief Justice Ellenborough, and Justices Abbott, Bayley, and Holroyd, with a special jury. By the indictment the prisoners were, as usual in such cases, charged in separate counts with compassing the King's death, intending his deposition, levying war, and forcing him to change his measures and counsels, in proof of which fourteen overt acts were detailed, based on the details of the presumed conspiracy.[1] For the prosecution, the Attorney-General, with the usual Crown counsel, conducted the case against the prisoners, for

[1] The overt acts charged: (1) Meeting of 15th Nov. to consult and devise plans to subvert the Constitution, &c.; (2) to rise and levy rebellion and war; (3) to seize the Bank of England and the Tower; (4) seduction of soldiers; (5) manufacturing pike-heads; (6) purchase of ammunition; (7) preparation of combustibles to fire barracks; (8) hiring a house to store them in; (9) issuing placards and advertisements to call treasonable meetings; (10) hiring platforms from which to make treasonable speeches; (11) hiring and using waggon on 2nd December for conveyance of ammunition and banners to Spa Fields, and making seditious speeches therefrom; (12) marching through the streets firing guns and pistols, and attacking gunsmiths' shops; (13) summoning the garrison of the Tower to join them; (14) on 2nd December ordaining, preparing, levying, and making public war against the King and his laws.

whom Mr. Charles Wetherell and Sergeant Copley were appointed as counsel.[3]

From the evidence called by the Crown, the conspiracy was commenced by the elder Watson endeavouring to persuade a printer to print small bills and posters calling a meeting in Spa Fields on the 1st of November to adopt a petition to the Regent begging for legislative redress of the severe evils under which the working classes were suffering. This placard, which was ultimately printed by another man, on the first refusing to have anything to do with it, had nothing illegal on the face of it. The meeting itself, held on the 15th of November, passed without any disturbance, Hunt, who was to be the leading speaker, proposing an adjournment to the 2nd of December, to receive a reply to the petition.

For this latter meeting, out of which all the trouble arose, fresh bills and placards were printed, the manuscript being carried to the printer by Castle, who afterwards appeared as the approver, and the bills when printed taken away by various persons, including the elder Watson. The summons for this meeting was of a very different character to that issued for the previous one, and its production was resisted by Watson's counsel, on the ground that it was not proved that the print was a correct copy of

[3] Attorney-General, Sir C. Shepherd ; Solicitor-General, Sir R. Gifford ; Mr. Wetherell, of whom see the case of the Bristol Riots, though a strong Tory, was at this time displeased with Government, under the impression that he ought to have been Attorney-General ; Mr. Sergeant Copley, subsequently Lord Lyndhurst.

the manuscript, and that consequently the matter of the placard was not brought home to Watson. The court, however, ruled that "this was not a question of the correctness of a copy with the original, but that the question was, that this placard having been printed by the order of two persons, the prisoner comes and takes away twenty-five of them: this showed that he was aware that there was an order for these things, for which he comes and which he gets: the question therefore is whether this be sufficient proof that the prisoner took away a part of the impression which was printed, and that he had a knowledge of the contents of these which were placarded." The placard was then read:—

ENGLAND EXPECTS EVERY MAN TO DO HIS DUTY.

"The meeting in Spa Fields takes place on Monday, Dec. 2, 1816, to receive the answer of the petition to the Prince Regent determined upon at the last meeting held at the same place, and for other important considerations.

"THE PRESENT STATE OF GREAT BRITAIN.

"Four millions in distress!!! Four millions embarrassed!!! One million and a half fear distress!!! Half a million live in splendid luxury. Our brothers in Ireland are in a worse state. The climax of misery is complete; it can go no further. Death would now be a relief to millions. Arrogance, folly, and crimes, have brought affairs to this dread crisis. Firmness and integrity can alone save the country. After the last meeting some disorderly people were guilty of attacking the property of individuals. They were ill-informed of the object of the meeting; it was not to plunder persons suffering in these calamitous times, in common with others; the day will soon arrive when the distresses will be relieved. The nation's wrongs must be redressed. JOHN DYALL, Chairman. THOMAS PRESTON, Secretary."

The proceedings at this and the previous meeting were clearly described by Mr. Stafford, the chief clerk at Bow Street, one of the many witnesses called to this portion of the case.

"On the 2nd December there was a large concourse of people assembled in Spa Fields. Knew there was to be a meeting from placards that were posted, and the small hand-bills which were distributed. Was at the former meeting on the 15th of November. Mr. Hunt addressed the meeting from the window of the public-house called the 'Merlin's Cave.' Saw a flag close to the house on that occasion, but was not sure that it was displayed from the window. It consisted of three colours, red, white, and green. It was a large flag, and was suspended upon a pole. There was an inscription on it; but could not on that occasion make out the whole of it. Saw the words, Nature, Truth, and Justice, and there was something else which he could not make out, as the wind blew the contrary way. The words he saw were in larger characters than the rest of the inscription; was not near enough to hear what passed at the first meeting. At the meeting on Dec. 2 attended in consequence of the placards; a great many police officers in attendance. Arrived on the ground about half-past twelve, and found thousands there in the lower part of the field next to the chapel, towards Coppice Row. Appeared to be assembled round a waggon from which the horses had been taken; there were a great many persons in it. There were two flags in it. One was the flag with the words Nature, Truth, and Justice. Nature to feed the hungry; Truth to protect the oppressed: and Justice to punish the guilty. [The flag was produced and identified.] There was another flag, of the same colours, but no inscription. Besides these two flags there was a large calico frame with the inscription, '*The Brave Soldiers are our Brothers. Treat them kindly.*' The waggon was full of people. The prisoner Watson was in it, but none of the other prisoners. The prisoner stood next to a young man who was speaking. He heard a great many, but could not speak from recollection what was said. The speech seemed to consist principally of interrogatories, and the mob returned answers. He then quitted

the spot, leaving the person speaking; and shortly after he quitted it heard a greater noise than usual proceeding from the waggon. Turned his head, and saw all the persons in the waggon in the act of jumping from it. The flags were removed from the waggon, and the whole torrent of the mob, with the flags and banners, directed towards Coppice Row. Saw no police officers within reach. As the tri-coloured flag approached him he seized it, made an effort to break the pole; but being the stem of a young tree he could not effect his object. He got the flag down and stood on it. Limbrick, the police officer, then came to his help. A strip of the green part of the flag remained in his hand. The frame being thrown down, witness jumped on it and broke it, and on being attacked used part of it as a weapon of defence, The mob then streamed towards Smithfield, in a line with Skinner Street."

Graves, a furniture-broker, saw the mob pass his door in Cow Cross going towards Smithfield. They were not doing any mischief. Preston, whom he knew, was with them, and desired him to take in his goods as there would be dreadful work, or bloody work. As a broker, articles of furniture were exposed outside his house.

As yet they had been merely a noisy, turbulent crowd, filling the street but doing no mischief. Within a short distance of Graves' shop, was that of Beckwith, the gunmaker, in Skinner Street, into which, about twenty minutes after twelve, a young man of short stature and thin face rushed and demanded arms.[4] Unfortunately for himself a Mr. Platt, who had called on business, and was at the moment leaving the shop, put his hands on each of the youth's shoulders and said, "My good fellow, consider what you are about."

[4] This was the younger Watson, who subsequently was securely hidden in London until he could make his escape.

He had hardly spoken, before the pistol which the intruder carried was fired, and he was wounded in the stomach. When he called for a surgeon, the youth who had fired threw away the weapon, and said, "I am a surgeon; I'll examine you." His assistance was of course refused, and he was at once taken in charge by a constable who happily came in at the moment. As yet the mob from Spa Fields had not arrived, and the crowd that had gathered on the occurrence was persuaded to disperse. What followed had best be given in the words of the gunmaker's servant.

"I got into the shop again after pretty well dispersing the crowd, and saw the mob pass with a stand of colours; it consisted of about 300 or 400 persons. They had passed the shop when some of them returned, crying out, 'This is the shop.' Some five minutes, he supposed, had passed since the young man entered. Went out of the shop and said, 'What do you want? Don't hurt Mr. Beckwith; he is a good fellow, and wishes well to your cause.' Observed that a brewer's man with a broomstick broke the windows.' Witness cried out, 'The young man has escaped!' and the mob cried, 'We will have him out!' and some said 'Tower Hill!' When he heard this witness put up his hands and said, 'To Tower Hill, my boys,' wishing to get the mob away from the shop, and added, 'Seacole Lane,' meaning that the young man had gone that way. For a time the mob appeared satisfied, until the youth appeared at the three-pair-stairs front window. On this they got very infuriate, and cried out, 'There he is! we will have him out.' They then began to break the windows, entered the shop, took the guns out, and battered the window frames with the butt ends. There was a considerable quantity of guns and pistols in the shop. It was literally cleared. When the mob entered, as witness had told them falsely about the young man he got away to the further part of the east window, and saw two or three of the mob take the guns out by tens on their shoulders, and distribute them to the mob, saying, 'Here are arms, my boys!' They took them, some one way, some another, while

others loaded them up to their muzzles. He then went out to get a drop of spirits, or he should have fainted, and when he returned saw the young man come out of the counting-house with a pistol in each hand, and go with the throng up Newgate Street."

In this evidence Hone was confirmed by Mr. Platt, and Roberts, an apprentice of Beckwith's. According to these witnesses the intruder struck at Platt with the butt end of the pistol after he shot him, and on his being searched by the constable a pair of lancets were found on him, on one of which was the name of Watson, and that he deliberately loaded a pair of pistols, which he took from their case, before he left the counting-house. From Beckwith's shop the mob moved towards the Royal Exchange, where they were confronted by the Lord Mayor, and Sir I. Shaw and five constables, their flags and poles seized with but little resistance; and though they were firing off some muskets, several were taken from them. Small as the Lord Mayor's party was, and unarmed, they had no fear of the mob, which they attacked without hesitation.

The gunsmiths' shops in the Minories formed the next object of attack. There the shops of a Mr. Rae and Messrs. Brander and Potts were broken into with pickaxes, the butt ends of muskets, and other weapons, the shutters torn away, and nearly all the fire-arms handed out to the mob, who loaded and fired them repeatedly in the air. At Rae's door a cannon was loaded, so heavily that had it been fired it was likely to have burst. Some of the mob were armed before they reached the shops in the Minories. One witness recognized Thistlewood, and another Preston;

but both admitted that they were unarmed and taking no part. No disposition appeared among those who fired to injure any one: they did not seem to know what to do with their guns, except as it seemed to commemorate their victory of having obtained them.

At Rae's shop the mob were in sight of the Tower, the presumed object of their march. According to the witness Haywood, during the attack on Rae's he saw a man in a great coat and top-boots, a black belt and a sword, come from the mob towards the Tower ditch. Putting his foot on the railing and flourishing his sword, he said something to the soldiers inside: he could not recollect the words, but the substance was that he would make the privates captains, and give them double pay, if they would join them. The man remained there a short time: witness saw a bustle, by which he concluded the troops were coming, and then the man put his cutlass under his coat, and walked away. He believed that Thistlewood was that man.[5]

Two privates of the garrison gave a somewhat different account of the event. "Before he went on parade," said the first soldier, "he looked towards the Minories, and saw a person come to the railings and say, 'Soldiers, open the gates and I will give you 100 guineas,' He went on parade, and heard nothing more. There was only himself and another private at the wall, who was also going on parade, and some twenty or thirty persons running about Tower Hill in all directions. The other private added

[5] It was not Thistlewood, but Preston.

these significant words to the speech of the tempter: "We do not call the soldiers our enemies, but our friends. They have been fighting for their rights, and they could not have them." He also said that the man at the railings made an alternative offer of "double pay or 100 guineas."

With the exception of this vague attempt to seduce the Tower garrison, and thus get possession of the fortress, the affair to all appearances had been a riot, and nothing more, though a riot of a destructive character. Apparently it had been commenced and been carried through without much concert; and the facility with which it had been checked by the Lord Mayor's small party proved that the mob were destitute of tactics or cohesion.

On the appearance of a small detachment of troops the mob rapidly dispersed, and the imputed rebellion and levying of war was put down with no further loss than the wrecking of the gun-shops, and the wound of Mr. Platt, probably accidental, in the heat of excitement or through the careless handling of his weapon by the intruder. For their violence and robbery several of the inferior actors in the affair had already been punished. Not content with this, and trusting to the evidence of an approver, the Government sought to convert the riot into a deep-laid plot and conspiracy, and to bring the deadly charge of high treason home to the prisoners as the instigators, contrivers, and leaders of a rebellion singularly imitating in its details that of Colonel Despard.

On the third day of the trial the evidence under this head was commenced by proof of the arrest of

Watson and two other men near Highgate Church on the evening of the 2nd of December. All the party were armed with pistols, and it was not until after considerable resistance that they were overpowered by the horse patrol. On searching Watson four papers were found upon him, on which the prosecution placed great reliance.

Paper No. 1. "Commtt. P.S. (*meaning Committee of Public Safety*). Sir F. Burdett, Lord Cochrane, Mr. A. Thistleton, Mr. J. Watson, Mr. Gale Jones, Major Cartwright, Mr. G. J. Evans, H. Hunt, Esq., Mr. Hardy, Mr. R. O'Connor, and Mr. Blandford."

No. 2. "Wsmr. Road (*meaning Westminster Road*). From Divis. collect and meet at Lon. Br., thence proceed to the old man (*meaning the Tower*). Padgn. (*meaning Paddington*) to proceed to St. G.'s divis. to barricade each side of Holborn Bars. Branch off to T. B. (*meaning Temple Bar*)."

No. 3. "No. 1. St. Giles's B. P. Holborn (*meaning broad part of Holborn*), thence to Chancery Lane. 2. Carey St., Temp. Bar. 3. Theobalds Road, Gray's Inn Lane. 4. St. John St., Old Street Road. 5. Whitechapel. 6. Tower. 7. Bank. 8. Poultry."[6]

No. 4. Letter from Thomas Gilbert to Preston :—

"SIR,—Having understood that you want somebody to deliver out bills, I shall be happy to do it; and a friend in distress as well as myself, will be glad to make one. I had the pleasure to see you at

[6] The use of the names in paper No. 1 was admitted by the prosecution to be entirely unwarranted. The details in papers 2 and 3 correspond with those given by Castle, the approver, in his subsequent examination.

the 'Red Heart,' where if you will have the goodness to call or send to let me know when you shall want, I shall esteem it a favour, being a poor man in distress, not knowing where to get a shilling towards my support. If you will have the goodness to give me a job I shall esteem it a particular favour.

"THOMAS GILBERT.

"*27th Nov.*, 1816."

Castle, the approver, was then put forward.

"He knew all the prisoners. Hooper first, then Thistlewood and Preston, and subsequently, on the 15th of November, Watson. Had seen him frequently before at the Spencæan meetings, at the 'Cock Inn,' Grafton Street. At one of these meetings he introduced himself to the witness by saying, 'it was a very easy matter to upset Government, supposing it was handled in a proper manner.' Saw Preston there that night, who wished me to meet a society of tradesmen at a public-house near Fleet Market. When he asked him why, he said, 'he was one of the committee for the purpose of doing away with machinery, and to petition Parliament to do so.'[7] Preston also asked him to meet them at the 'Mulberry Tree,' which he did, about three weeks or a month before the meeting in Spa Fields. He there found both the Watsons, and the other prisoners, Evans father and son, and Harrison, and others whom he did not know. After the meeting broke up he walked away with the elder Watson, who repeated his statement about the ease with which Government could be upset—that he had drawn out a plan that would obstruct cavalry, for interrupting the horses and preventing them from coming on the mob—that he had got several people, and that they solicited at different houses where they had gone, and that they had got a committee sitting to devise the best

[7] It was objected that Preston's statements in the absence of Watson were not admissible against the latter, but they were admitted "as merely showing the first introduction of these proceedings."

modes and plans. He told him he would call the next morning and show him the plan. He called the next morning (Saturday), and he sent his wife out of the room. Watson then showed him a plan of the Tower, and of a machine on four wheels, with sharp knives on the wheels, and spikes between like scythes, to prevent cavalry acting, and asked him to join. He produced other drawings of the different entrances, and the bridge of the Tower. Asked him how many men he could bring; and when he told Watson that he had nothing but his little business (a smith) to live on, Watson replied, 'that they would find him something better to do, and that they had plenty of money for everything. Again he met Watson at one Newton's, where the same conversation was repeated; and as they walked away down Drury Lane, Watson told him that they had a committee of five—Harrison, Preston, Thistlewood and his son, and himself, and that witness should be made one of the generals, and head a party of pikemen and others, and that he should hear in a few days; that he might consider himself the sixth member of the committee, and that they would have no more. The next time Castle met Watson he went with him to inspect the barracks in Portman Street, to see which was the best place for setting them on fire.

"Castle's next meeting was with Thistlewood, who asked him how much, and how long a time it would take for him to make a few hundred pikeheads, about nine or ten inches long. Witness replied, from fourpence to fourpence halfpenny the pound, but added, that he had no forge to make them at; when Harrison, who was present, said that he knew one who would lend him a forge at which he could make a pattern. Witness made this at Bentley's forge, to whom he represented that they were to be put round a rabbit warren or fish-pond. This pattern pike-head he took to the house of Randal, which was opposite that of Newton's, where he met all the prisoners except Hooper, and Watson said it was a famous instrument. He was then given by Watson the address of the house—9, Greystoke Place—where the committee met.

"The night before he had been with Thistlewood among the navigators, who at that time were out of work on the Paddington Canal, to see how many of them they could obtain, and were

promised 500 or 600 in the course of a very few hours any morning they chose, as they wished a good row, and would rather be killed, as they had nothing to do. Having treated these men to beer, they went to public-houses in Drury Lane which the guard from the theatre frequented ; gave them beer, and talked to them about the smallness of their pay, and of numbers of them being ill-treated by being discharged without pensions. He and Thistlewood then went about among the coalheavers and porters at the Adelphi wharfs with the same object as among the navigators at Paddington, and if Castle is to be believed with the same success.

"The next meeting was at the committee room in Greystoke Place. When Castle got there, at eleven in the morning, he found Thistlewood outside, waiting for the 'Doctor,' who had got the key. In about twenty minutes the elder Watson came and opened the door, and soon after they were joined by Preston and Watson's son. The prospects of setting fire to the barracks. and getting men together, were again discussed, the model pike produced, and an order given for 250 to be immediately made by Bentley. Watson and witness reported the results of their inspection of the barracks at Portman Street and King Street, and another meeting was fixed for the following Sunday.

"At the meeting on the Sunday the details of the plan were finally arranged, and to prevent detection, the whole house was searched before the council began. Thistlewood produced a map of London, and the best roads to be taken were marked, to take the men who were to be collected together to the different barracks and places to be attacked, and pointing out the best way to collect the men. The generals were then appointed. Watson proposed Thistlewood as head general, as he found the money. He and young Watson were to seize the two field-pieces in the Artillery Ground in Gray's Inn ; Preston was to attack the Tower ; Harrison the St. John's Wood Barracks ; the elder Watson the Portman Street Barracks, and to the witness the task of setting fire to the King Street Barracks was assigned. They were to get all the persons they could, arm them with pikes and such other weapons as they could obtain, and provide the fire-raisers with pitch, tar, turpentine, resin, and spirits of wine for their portion

of the work. They were to attack the whole of the places at a given hour, and set them on fire at one in the morning. Any person they met they were to make join them, gentlemen's servants and coachmen were to be taken from their masters' carriages, and such as could ride were to be mounted as cavalry, whilst the carriages were to be used as barricades. As soon as witness had set fire to the King Street Barracks he was to join the elder Watson at the top of Oxford Street, where Harrison was to join them with the artillery from St. John's Wood. As soon as that was done a volley was to be fired, to let the rest know that they had seized the artillery, which were to be taken into the park and fired at any cavalry that might attempt to cross from the Knightsbridge Barracks. A body of pikemen was to be detailed to protect the guns. Portland Street was to be barricaded to stop cavalry that might be out in quarters. They were then to barricade the gates of the park, and the turnpike at Hyde Park Corner, and then to come down Park Lane into Piccadilly, where a party was to be left to fire on the cavalry if they attempted to come out of the Knightsbridge Barracks, whilst the rest marched down Piccadilly towards Charing Cross, barricading all the side-streets, and then the younger Watson and Thistlewood, after getting possession of these guns, were to break open all the oil-shops for combustibles, and gunmakers' shops for arms, on their line of march. They were then to blockade Chancery Lane, and to make their grand stand at the junction of Tottenham Court Road and Oxford Street, pointing a gun to command each of these leading avenues. Young Watson was then to leave Thistlewood, and go up Oxford Street, barricading the side-streets on the right-hand side, so as to cut off all communication from that quarter. Preston, if he failed to take the Tower, was to barricade London Bridge, to prevent the artillery coming from Woolwich, and then to barricade Whitechapel, to prevent troops coming in from the country. This being done, he was to meet the main body at the Bank."

It was at this meeting, according to the approver, that the elder Watson calculated the amount of combustibles required to fire the King Street and Portman

Street barracks at 100*l.*, on which Thistlewood said, "Let us not spare for 100*l.*; let us roast them well;" and Watson said, "It would burn so rapidly, and the stench would be so strong, that it would stifle them in a few minutes."

In addition to this distribution of their forces, a house between the King Street and Portman Street barracks was to be hired by Castle, in which the combustibles were to be stored, and to which he was to go as young Watson's servant. With this object he and young Watson went house-hunting, and found an empty one in Seymour Place, of which Cosser, a timber-merchant at Millbank, was the owner. To him, therefore, they went; Watson going in, discussing the matter with the owner, and giving Thistlewood as his reference. Cosser called on Thistlewood, but was not sufficiently satisfied with him to let Watson have the house, and so this part of the scheme was dropped.

Castle then gave his account of the preparations for the Spa Fields meeting of the 15th November. According to his account, after frequent meetings of the committee in Greystoke Place, at which Thistlewood, the younger Watson, and Castle reported their negotiations for the house, and a second interview with the unemployed at Paddington. On Sunday, the 10th of November, the whole committee met again, and the small bill and the placard were prepared and unanimously agreed to. The elder Watson agreed to get it printed by a printer in Fetter Lane with whom he had lodged, and Thistlewood produced a 10*l.* note, to pay for that and to furnish Castle with

money for the pikes. The hiring of a waggon to speak from was suggested by Thistlewood; and the flags to be used, and the motto to be inscribed on them, which was written by the elder Watson, were then settled. Castle, as the strongest and tallest, was appointed to carry the flag. If there was any truth in Castle's next statement, Watson was guilty.

"I was," he said, "to meet the two Watsons next morning, at a coffee-shop in Kingsgate Street, Holborn, at eight in the morning, to receive money from the elder one to go and fetch away the pikes, and to buy two nail-bags to put them in, and to bring them away. I met them, and the elder Watson gave his son five *l.* notes to go with me to Bentley's, which we did. Young Watson bought the bags whilst I went to Bentley's for the bill. Bentley had made about 250 pikes. I went to Bentley's first, then Bentley and I came to the wine vaults in the corner of a court leading out of Hart Street, and there I met Watson with the nail-bags. Bentley produced his bill, and Watson gave me the money in Bentley's presence. I think it was 3*l.* 15*s.*, after giving me credit for the deposit of 1*l.* We went to Bentley's cellar, where the pikes were, and he helped us to put them in the bags. We took them to the shop of a Mr. Bannister, in Hyde Street, Bloomsbury, where the Watsons lodged, and put them under something like a sofa bed or bedstead. I then went to Greystoke Place, showed Bentley's bill, and destroyed it by Thistlewood's orders."[8]

Castle then recounted the visit with the elder Watson to the printer in Fetter Lane, and his eventual

[8] Bentley could not identify Watson as Castle's companion. Winkfield, who kept the public-house at the corner of Leg Alley, remembered Bentley coming there with two persons; but also could not identify them as Castle or Watson. The pikes were found in the soil of the closet at Watson's lodging in Hyde Street, Bloomsbury; but not until the 12th of March. See *post*.

refusal to let them have the bills he had printed, for fear of the consequences to himself. The failure was reported to the committee in Greystoke Place, and then the elder Watson said he would go to Seal, a printer in Tottenham Court Road, which he did, and on his return reported that 250 copies would be ready on Wednesday night, and that he had got a man to stick them up. They then decided on the persons to be invited to the meeting, including Sir F. Burdett, and Mr. Hunt, to whom the elder Watson wrote; and the younger one was sent, with money furnished by Thistlewood, to get an advertisement inserted in the papers.

Another device, the carrying out of which was entrusted to Castle, was to get half a dozen navigators to act as sandwich men, carrying about the larger placard on their backs, for which they were given a shilling each when they started and another on their return. If a crowd got round them they were to distribute the smaller bills among them, selecting soldiers and the lower class of mechanics. Some of these bills Castle had fetched from the printer's, and others were brought by the elder Watson.

This was on the Tuesday. Next day there was trouble amongst the band. Harrison had become so frightened at the violent language of the younger Watson, that he refused to have anything more to do with them. He warned Castle, who was sent to talk him over, that, if they did not mind, that young man would get them into trouble, and advised Castle to follow his example. The whole of the party were in such alarm, that though they believed Harrison

would not disclose the existence of the select committee or disclose the intended plan, they fixed on a new place of meeting—the "Blue Last," in Salisbury Square, Fleet Street, to which Hooper was brought by Castle to fill Harrison's place on the committee. In consequence of the failure of the negotiation about the house in Seymour Place, the plan of burning the barracks was given up, and it was decided that they should see how many people could be collected on the Friday at the Spa Fields meeting.

At that meeting Hunt was not expected till one o'clock: the committee therefore were to be on the spot at twelve, address the mob, and if they saw the spirit of the people ready to act, to jump down and lead them into the town. If the mob asked for weapons, they were to be told that they would soon find them at the gunmakers' shops, which had been previously inspected to see what number of guns they contained. When they had seized these they were to lead the mob down to the Bank, take it by surprise, collect as many people as they could on its roof, barricade it, and place men on the tops of the surrounding houses, with glass bottles and any other missiles to attack the soldiers should they attempt its recovery. On the Thursday night the committee met again, when Thistlewood and Watson reported that they had seen Hunt, and that he wished some alteration in the petition, preferring one which he had himself prepared. During that night Castle and Thistlewood again went amongst the soldiers of the theatre's guard, to whom they distributed bills, as well as amongst the working men and mechanics out

of work. At one of these houses they met a man of the name of Gillan, who had been a servant in the 2nd Regiment of Guards.

Early next morning Castle went to Thistlewood's, received some cockades and the flag, and got instructions for a flagstaff. Then about half after eleven, he, Hooper, Thistlewood, and Preston left for Spa Fields, where one Crisp had got for them a hackney coach, on which they mounted and drove up to the "Merlin's Cave." Thither, soon after, came Hunt and the two Watsons in Hunt's chariot, from the top of which Hunt addressed the meeting. It was then proposed that he should speak from the window of the house, into which they went with the colours. In this room a committee was held, Hunt nominating a Mr. Clark for chairman, and proposing to adjourn the meeting for a fortnight. The colours were then shown from the window, and Hunt, after addressing the people, moved the proposed adjournment. After this they all returned to the Bouverie Hotel, where Hunt was staying. Some two or three days after this the committee met again at Greystoke Place, and an advertisement and bills were settled, announcing the postponement of the meeting and calling for subscriptions to defray the past and future expenses. The proceeds of this subscription, amounting to 5*l.*, were handed to the elder Watson.

Previously to the second meeting in Spa Fields, Castle and Thistlewood again inspected the shops of the gunsmiths and oilmen near the Tower, went into the Tower and distributed bills to the soldiers in the canteens, showed them the red, white, and green

cockade, and asked them in a whisper whether they would sooner fight for the big or the little loaf. Each day they reported progress to the committee, and at one of these meetings—they met sometimes twice a day—Thistlewood or the elder Watson suggested getting a couple of hundred young women, dressed in white, with small flags and cockades, to march in front of them, in order to take off the attention of the soldiers (so that they should not ride over the people), and thus give the committee time to address them. Castle and the elder Watson then called on Keens the tailor, to see in how short a time he could make them six great-coats, and asked him to dinner at the Watsons' new lodging in Dean Street.

Towards the end of November Castle and Thistlewood went in search of a waggon or stage, from which to speak, and after some refusals, the former engaged a waggon of one Wendemade, and paid the deposit for it, which was furnished by Thistlewood. Again, Castle, now accompanied by the younger Watson, went to the canteens distributing bills among the unemployed, telling the soldiers that the Government had sent for 50,000 Russians, of whom 20,000 had already landed at Woolwich, at which they only laughed, and making inquiries of an artilleryman whether orders had been received at Woolwich for any movement of artillery on the following Monday. Again they reported progress to the committee, to whom a weaver brought some ribbon for cockades, for which the committee paid. When the committee next met, the purchase of

pistols for them—a pair each—was decided on, and five pounds given to the younger Watson to purchase them, as well as a sufficient number of sabres or short dirks.

As usual after this meeting, Castle, with Hooper as his present companion, repaired to Paddington, as great reliance was placed in the burly navigators. After they had visited these men, as they returned down the Edgware Road, Castle priced a pair of brass-handled pistols at a pawnbroker's, and left a deposit. When he and his companion returned to Dean Street, where the committee was sitting, he saw two or three pistols on the table, and the younger Watson busy casting bullets in a mould. There was also a short sword and a dirk-stick, which he thought was like the one found on the elder Watson, lying on the table. Castle was then furnished with money to get the brass-handled pistols, and a couple of swords from another shop, and on his reporting, on his return, that he had left a deposit for another pair of pistols he was given the money for them by Thistlewood, in order that he might get them the next morning.

At this meeting the elder Watson said, "We have brave news. My son James has brought word that he can bring 15,000 men himself." He also said that he had heard that there were 50,000 stand of arms belonging to the West or East India Company. On this Thistlewood said that they must change their plans.

"On the Monday morning they should go out early to their several stations, collect together all the men they could, and make them captains, or give them a hint what was to be done.

Castle was to go to London Bridge to meet the men from the smiths' shops, as he knew most of them, and then take them to Tower Hill to meet Watson, attempt to get in, and if refused by the soldiers to storm it. They were to offer the soldiers 100 guineas, or double pay. Next day, Sunday, calico was got, stretched on a frame, and the inscription written on it, 'The Brave Soldiers are our Friends,' the pistols bought of Flint, and both taken to young Watson's lodgings. Then they adjourned to Greystoke Place, where all the arms were produced and divided between them, the remainder of the money found for the hire of the waggon, speeches prepared, and the agreement come to that, if next day the spirit of the people was rife, young Watson, as on the previous meeting, was to jump down and lead them away."

At eight on the Monday morning all but Preston and the younger Watson met at the "Black Dog," Drury Lane. The pistols were produced, given to Castle, and he believed he loaded them. There was ammunition, a number of slugs and bullets in an old stocking tied in an old pocket-handkerchief, which Keens was to take in the waggon to Spa Fields. Of what occurred at the meeting Castle knew nothing. As ordered, he went to London Bridge, and not meeting any of his brother smiths there, went on to the Tower, found extra sentries on duty, as they told him because of the meeting, thence up the Minories towards the Bank, the gates of which were shut, and thence through Little Britain towards West Smithfield. Here he met the mob with Dr. Watson and Thistlewood. On asking Watson where his son was, he replied, "To the Tower! First to the Tower. Make haste, otherwise we shall be too late." Watson had his dirk-stick, but it was not drawn. On their way east, he heard from Keens of

the result of the Spa Fields meeting, and met Hunt going in that direction in his own carriage. Castle stopped him, and asked why he was so late. Hunt said, "What is the matter?" to which Castle replied, "Dr. Watson had gone to attack the Tower."

He then spoke of being present at the attacks on the gunsmiths' shops, and swore that the elder Watson, Thistlewood, and Preston were encouraging the mob in their violence, and that Thistlewood and Dr. Watson went up as close as they could to the rails of the Tower Ditch and seemed to address the guard. He could hear them very plainly, as their backs were not always towards him. The mob was some ten or fifteen yards behind them. He could see forty or fifty soldiers on the Tower wall. A small guard now intercepted the crowd. They threw down their arms and ran away. Castle, who craftily played the by-stander in the mob, retired till it was dark to a public-house in Mark Lane, and then walked to Dean Street, where he found the Watsons, Preston, and Thistlewood packing up their clothes, and he was told they were going into the country. So ended Castle's extraordinary history of the abortive rebellion: a notable performance, whether regarded as an act of memory or of imagination.

Now, who was this Castle, and what had been his previous career? With the others of the committee he had been arrested for high treason, and for some reason—what it was may be conceived—the charge was withdrawn, and with Mr. Stafford or some police officers he had been round to the public-houses and places at which he laid the various occurrences to

which he had sworn. He repudiated the charge of doing so for the purpose of collecting evidence, and professed not to know why he was thus taken round. He had, however, previously given the names of the people and places to which he was taken, and could have little doubt of the object of his visits to them. Though he professed to be a smith, he had not worked for any one as such for twelve or fourteen years, and only done odd jobs for himself, and when taken up by Thistlewood and the others his only employment was making paper dolls for children, and he was in great distress.

Twice before he had been committed: once at Guildford, the other time at Abergavenny, and in both cases admitted as the approver. At Guildford the charge was for passing forged bank-notes, and the prisoner against whom he gave evidence was convicted and executed. Next, some three or four years ago, he was witness as approver against one Greenway, who pleaded guilty and was transported. At Abergavenny the charge was in connexion with the attempted escape of a French prisoner. He was doubtful whether the person of whom he had spoken was his wife: he had lived with her many years, and she was then in Yorkshire. He had previously lived with a Mrs. Thoms, in King Street, Soho, who it was evident had kept a house of ill-fame and let lodgings to prostitutes. She was dead. So much for his previous life.

When cross-examined on the occurrences of the day, he denied that he had told Hunt that he had just come from the Tower, and that it had been in their

possession an hour or so, and swore that he did not desire him to turn back and return thither with him. As to his influence over his brother smiths, he admitted that not one attended, though he had reported 500 as ready to do so. After the meeting of the 15th of November he went to a dinner at Hunt's hotel, in Bouverie Street, where Hunt, Clark, the chairman of the meeting at "Merlin's Cave," and others were present. As his behaviour there was directly contradicted by Hunt, we will give his cross-examination on this point in detail.

"Q. Do you recollect what was the toast that you gave there? A. Yes, I do.—Q. What was it? A. '*May the last of kings be strangled with the guts of the last of priests.*' I gave the toast. Mr. Hunt desired me not to be so violent, and stopped me. I don't recollect his saying anything about turning me out of the room. That was the only time he had been admonished not to be quite so violent. He did not give any other toast. He could not recollect that anything was said about the company leaving the room if he was so violent. Nothing about turning him out. Was not certain that Hunt said he would leave if he was so violent. Did not recollect anything about falling asleep, or shamming sleep. Did not pretend to sleep. Was not invited by Hunt to dine. Walked up there as many others did, and found Thistlewood, Hooper, and the two Watsons there. Hunt asked if all in the room meant to dine. Never rang the bell to ask what he should have for dinner. Did not know whether Hunt said anything to him, or he to Hunt about the soldiers. There was not a little bit of violence upon the soldiers. Hunt did not reprehend me on that subject. Nothing was said as to the toast. There were no violent toasts after his, and no person gave the King or such like toasts. The King was left out of the question.—Q. You swear that positively? A. I never heard it.—Q. Do you swear that positively? A. Yes.—Q. Was it drank or proposed at the table where you were dining? A.

No, it was not. Recollected telling Hunt something about getting a French officer out of the country, but not telling him that he got 500*l.* for doing so, or that he threatened to shoot the officer for not going along quick enough with him. Did not remember whether he said he had assisted General Le Fefbvre Desnouettes to escape, or Hunt telling him that he should not talk of such things. Could not recollect Hunt or any other person present admonishing him on other matters, nor the names of any others than those he had mentioned. Was in liquor both before and after the dinner, having drank a great deal at the 'Merlin's Cave,' and afterwards at the dinner. Was not drunk, but the worse for liquor. Could not recollect falling asleep, or being shaken a bit."

Hunt, who was called on behalf of the prisoner, gave the following account of Castle's conduct at the dinner, and the interview with him in Cheapside:—

"Dined the day of the meeting at Cooper's Hotel, Bouverie Street, with Bryant, an old friend with whom he had private business, and who had ordered dinner in a private room for them. The cloth was spread for them, when Castle came into the room, and several persons with him, including the two Watsons, Thistlewood, Hooper, and Clark. Was not surprised at seeing the Watsons and Thistlewood together, as it was customary for those engaged in public meetings to dine together afterwards. Was surprised at seeing Castle, and remonstrated against it, giving them a hint that dinner was ready. Did not think he had ever seen Castle till he saw him that day with the flag in Spa Fields, or again till he came to the hotel. One of the persons—he thinks Thistlewood—proposed that they should have some chops too. Witness and Bryant said that dinner was only provided for them, and more could not partake of it. A person, he believes Castle, then rang the bell, and said we will order some beefsteaks. The waiter came up, and they ordered fish and steaks to be added to the dinner. The cloth was laid, and they were soon seated. Did not think Castle was the least in liquor, he was very forward and officious. Ten or a dozen sat down. There were several persons he did not know. Witness had seen the Wat-

sons and Thistlewood the day before, when they gave him their names. Castle sat down to dinner.

"The King's health was given by Bryant, who sat at the head of the table. Witness said, 'Better not drink any toasts at all.' But it passed round till it came to Castle, who then began in a loud tone, 'May the last of kings be strangled.' Witness jumped up and stopped him, saying no such language should be used in his company. Castle followed on by saying something about the guts of the last priest. This was apparently reprobated by the whole company, particularly by Bryant, witness, and the elder Watson. Upon this Castle made a sort of apology.

"Some time afterwards Castle burst out, 'D——n me, the soldiers are our friends!' Upon which witness said, 'Pray, sir, what have we to do with soldiers here?' Castle intimated that he had had frequent conversations with them. Witness answered, 'More fool you!' or something to that purpose. On the same evening witness expostulated with Castle upon his violence. Castle was the general spokesman for the evening, and stated a story that he had been instrumental in taking two French prisoners out of the country, for which he had been imprisoned for two years in Maidstone Gaol. Witness said to Watson across the table, 'Pretty society you have introduced us to.' Bryant added, 'Pretty society we are got into indeed,' or words to that effect. Castle said he had received 500*l.* for his share in the business, and he was to have had 400*l.* or 500*l.* more for aiding another escape in Wales, but was disappointed, because he could not get the officer to ride on horseback. He had carried him a considerable distance in a cart, when he found it necessary to place him on horseback. He then said, 'I had a d——d good mind to shoot him when I found him hesitate!' He was then obliged to give him up. Bryant and witness then represented to Watson the necessity for taking their friend away as soon as possible. The younger Watson, witness thought, attempted to justify aiding the escape of the Frenchman. The elder Watson reproved them.

"After the history of the French prisoners witness said, 'One or other of them should go out of the room' Witness believed he should have endeavoured to turn Castle out; but

Bryant said, 'We had better not make a bustle.' Witness then said, 'If Castle uttered one more sentence of that nature one of them must leave the room.' Castle then expressed a sort of contrition, and said no more. In a few minutes afterwards he saw Castle rolled up sound asleep. At first witness expressed pleasure that he was silent. Soon after he saw one of his friends endeavouring to wake him by shaking him, upon which witness said, 'For God's sake let that fellow alone!' Some of the party then proposed going, when witness desired that the first that went should wake Castle, and take him off too. The friend endeavoured, without success, though he used considerable violence. On this witness got up to assist to wake him, and used no gentle means—for at that time he was convinced that the sleep was a sham, and said, 'The fellow shall go.' Witness struck him a blow under the ribs, quite enough to have knocked any common man down, but it made not the least impression on Castle; but he sat as still as if he was dead. Witness gave up the attempt; and, convinced that it was a sham sleep, rang for the bill, which came to 5*s.* a head. No man in the room appeared the least intoxicated. Upon expostulating with the elder Watson about bringing Castle, he said he was a good fellow, and witness should take no notice of him. Watson seemed to have great confidence in Castle. They then took the chair from under Castle, and he immediately was himself again."

Of the interview with Castle in Cheapside on the 2nd of December, Hunt gave the following account:

"He agreed to attend the meeting, which was to be precisely at one. Went along Cheapside on his way to it, and observed a considerable crowd on each side. Castle came forward and beckoned witness to stop his carriage to speak to him Witness was driving slowly. Castle came up, but witness did not remember whether he beckoned him. Castle said, 'For God's sake, how came you to be so much after the time of the meeting!' Witness looked to the clock, it wanted twenty minutes to one, and saw that he was in good time. Castle said, the meeting had been broken up these two hours. 'We are going to the Tower,

which has been in our possession more than an hour. Come along.' Witness struck his horses, and exclaimed 'D——d scoundrel,' and went on. If Castle had not speedily got out of the way one of the wheels would have gone over him. Witness went on to Spa Fields, and found the greatest collection of people he had ever beheld."

This account of the dinner was confirmed by Mr. William Bryant, an attorney, who spoke to Castle being then not very well dressed, by no means in the way he was when he appeared as the approver. To complete the evidence to Castle's character, it may be here mentioned that among the witnesses called to prove that he was not to be believed on his oath was Mr. Lawson of the *Times*, who had known him from his infancy, who considered him "a person not to be believed at any time on his oath."

By subsequent witnesses the elder Watson was proved to have addressed the sailors in the tap-room of a public-house near the Tower, on the 2nd December, saying, "Come on, my brave boys, if you had but followed me the Tower would have been in our possession before now;"—that a shop was hired by him for his son at Hyde Street, and that both the father and the son came there sometimes together;—that the shutters of the shop had not been opened since the 2nd of December;—that on the 5th Vickery, the police officer, searched the shop, and found numerous papers; and that on the 12th of March the place was again searched, and some 200 rough pike-heads, eight to ten inches long, found in the soil at the bottom of the closet. Of the papers found in the shop, a plan of the Tower and of a machine for re-

sisting cavalry were the only important ones that were allowed to be put in. Castle was also confirmed as to the meeting on the 5th of November with the servant of Mr. Leach of the Chancery Bar, and Dyal, whose name was signed to the placards calling the Spa Fields meeting, knew the elder Watson and Preston as working together with the other prisoners in the matter, and remembered Watson reading the draft of the proposed memorial to the Regent at one of those meetings. The meetings at the "Carlisle Arms" and the "Nag's Head" were also proved, and Skinner spoke to the discussion between the elder Watson and Castle about the entrance to the King Street barracks. The hiring and payment of the men who had the placards fastened on their backs; the meeting with and treating of the navigators at Paddington, and the distribution of the bills among them were also proved, though in the last case the parties who treated them could not be identified by the witness. Bentley admitted the manufacture of the pikes by Castle's order, with whom Harrison came, and their being fetched away by Castle and some other person in two nail-bags, the purchase of which Cox, the servant of Parkes the ironmonger, confirmed. The attempt at hiring the house in Seymour Street was spoken to by Mr. Cosser, and the landlord of the house in Greystoke Place said that he let it to Dr. Watson, who professed to wish to practise there as a surgeon, but that though he frequently passed the place afterwards, he saw no appearance of business of any kind being carried on.

On the fifth day witnesses proved the correctness of the plan of the Tower and its approaches found in young Watson's shop; the hiring of lodgings in Dean Street by the elder Watson on the Wednesday before the first Spa Fields meeting; his having left them on the night of the Monday of the riot, the meeting there on the Sunday previous at dinner-time, among whom the witness recognized Thistlewood and she thought Preston, and that there were some great-coats in the room, which she never saw again after Watson and his friends left. Several soldiers confirmed Castle's account of the meetings with them in the various public-houses; the distribution of the small bills among them, and the ribbons being shown to them. The hiring of the waggon by Castle was proved, and the fact of Castle and Hooper bringing to it, at the top of Chancery Lane, something wrapped in blankets and a handkerchief, and the finding some bullets in an old glove and a tin case of powder in the waggon after the younger Watson jumped down and the mob followed him. Stacey spoke to Castle buying some sabres of him, and Flint the gunsmith to his buying first one pair of pistols and then a second, and paying for the second pair on the Sunday morning. According to this witness Castle represented himself to be a Bow Street patrol, and that he and the other patrols had been ordered by the magistrates to provide themselves with arms. The last witness called for the prosecution, the foreman to Parker the gunsmith, remembered the younger Watson buying two pairs of pistols at his master's shop, and identified one of

the pistols as that by which Mr. Platt was shot, and another with that found by the patrol on the elder Watson when he arrested him.

Notwithstanding the numerous cases in which the evidence of the approver was confirmed by entirely independent, and, to judge from the absence of any serious cross-examination, reliable witnesses, the undeniably vicious character of Castle told in favour of the prisoner. Without his evidence of the previous arrangements, the case was nothing worse than a mischievous riot, and, as the defendant's counsel truly argued, could not be raised into one of high treason. It was right for the counsel for the prisoner to ridicule the inadequacy of the preparations for the proposed result; to urge that the evidence of so tainted a witness as Castle could not be relied on, and to hold him up as the real instigator of the treasonable portion of the arrangements. They could not, however, get over the papers found on the prisoner when arrested, in which the stations of the different parties were undoubtedly noted down, the purchase of the pistols and swords by Castle, and the finding on the elder Watson one of the pistols purchased by his son, and the identification of another of them as the weapon by which Platt was wounded by the younger Watson. If the prisoner and some of his associates originally intended no more than a mob gathering, and were led on step by step by Castle to attempt treasonable designs, it must be borne in mind that the best evidence to prove it was at their command in Harrison, who had left the party on the development of the danger-

ous designs of the younger Watson. The prosecutors could not call him, to them his mouth would be closed. Not so to the prisoners. The fact of his not being called ought to have had its weight, but it failed to make any impression on the jury. The disgraceful career of the approver, and the fact that he had been for months kept and clothed by the police, deprived his evidence of any value in their estimation, and despite a strong, but, for once, by no means unfair charge by Lord Ellenborough, Watson was acquitted. Of the exhibition made by Castle, the other prisoners got the full advantage. The Government could hardly venture to put him again into the witness-box to retail for another eight hours his account of the conspiracy, and they wisely abandoned further proceedings against the companions of the elder Watson.

CHAPTER VI.

THE NOTTINGHAM RIOTERS. TRIALS OF BRANDRETH, TURNER, LUDLOW, AND OTHERS, FOR HIGH TREASON, OCTOBER, 1817.

To judge from the speech of the Prince Regent at the opening of the session of Parliament in January, 1817, ministers appear to have persuaded themselves that the previous spirit of disaffection had been laid, and that if left alone the demagogue would be unable to stir up the people to further acts of violence. Within a few days all this hopefulness had vanished, and it must be admitted that the real state of the manufacturing districts had been concealed from a mistaken policy. On the 3rd of February came a message from the Regent, with papers showing that meetings of a very dangerous character were being held not only in the metropolis, but in other parts of the kingdom, and Parliament was invited to consider what further measures were required for the preservation of the public peace. The invitation was accepted, and, on the report of the Secret Committees to which the papers had been referred, four acts were passed of a most stringent character, including one

for suspending the Habeas Corpus Act, and thus enabling the Ministry to imprison suspected conspirators.[1] Within a week of this act becoming law the Blanketeers held their abortive meeting in Manchester, which the magistrates were unable to prevent, as the act giving them fresh power had not vet passed into a law. As it was, the misguided men who then assembled were the only persons injured, as gradually on their weary march they suffered from hunger, fatigue, and cold, until, within twenty-four hours of their starting from their rendezvous, they dwindled into a mere fragment of the mass that had met in Petersfield.[2] Under the terms of the Habeas Corpus Suspension Act, it was impossible for the radical leaders and the delegates to hold open meetings. The result was, that secret meetings were held, under the names of benefit societies, botanical clubs, and other unsuspicious titles, at which plans were suggested of a seditious character, and a night attack on Manchester was proposed. Then, too, for the first time we hear of the suggestion of the assassination of the Cabinet by a London delegate, believed by a most competent authority to be a dupe of one Oliver, a Government spy, whose conduct in his miserable office eventually became the subject of bitter debates in the House of Commons. How far this man was the instigator of the crimes he helped to denounce cannot be satisfactorily proved.[3] Accord-

[1] See *ante*, p. 25.

[2] Only about 180 reached Macclesfield, about twenty reached Leek, and only six were known to pass Ashbourne Bridge.—Bamford, vol. i. 34.

[3] Bamford writes on March 11, "On Tuesday, after the Blanket

ing to the statement of Mr. Baines, the editor, at that period, of the *Leeds Mercury*, in one case Oliver endeavoured to entrap an innocent man to a meeting at which he had previously arranged for the arrest of the parties, and in Sir Samuel Romilly's judgment the whole of the insurrections that followed were excited by this man and other spies of Government.

From Mr. Baines' statement, it appears that Oliver, who represented himself as a London delegate, had for more than two months been endeavouring to seduce a printer at Dewsbury of the name of Willan to acts of violence, and especially to attend a secret meeting at Thornhill Lees on the 7th of June. Willan, a conscientious Quaker, indignantly refused, and escaped the arrest to which the ten persons who attended the meeting were subjected. Oliver was seen following the prisoners on their way to Leeds, and conversing with a servant of General Byng, the commandant of the district, who admitted that he had lately driven Oliver from his master's house to meet the coach.[4] In explanation of these statements, Mr. Allsop, a solicitor in Nottingham, who had been most active in the arrest of suspected persons, declared that he first saw Oliver on the day after the

meeting, a stranger proposed, in consequence of the conduct of the Regent, to make a Moscow of Manchester—deemed too absurd by the Middleton men. Secret meetings as benefit societies, &c., real object to make a night attack on Manchester. Proposal of a London delegate for the assassination of the Cabinet—a dupe of Oliver."—"Some Passages in the Life of a Radical," vol. i. pp. 37, 39, 45. Motion of Burdett, June 16, renewed debate on the occasion of the Indemnity Bill, January, 1818.

[4] "Life of Edward Baines," by his Son, pp. 92, 93.

arrest at Thornhill Lees; that Oliver knew of the meeting for that evening, but had fixed to go to Birmingham, and only stayed at the request of himself and his brother magistrates, in order to furnish information; that Oliver's orders from General Byng were not to conceal from the meeting anything as to previous meetings by which the people could be deceived, and from Lord Sidmouth not to hold out any encouragement; that it was then decided he should do as instructed, which Allsop was persuaded he did, as he was suspected by his refusal to stay in Nottingham and countenance their proceedings, and only consented at last to stay to lessen suspicion.[5]

Thirty years afterwards, General Byng, then Lord Strafford, wrote to Lord Sidmouth's biographer, "Oliver was sent to me with a letter from Lord Sidmouth, to the purport that he was going down into that part of the country where meetings were frequently held, and that he was desired to communicate to me any information he might obtain, as to the time and place of such meetings, in order that I might take timely measures to prevent their taking place, the wish and interest being to prevent and not to encourage them as alleged against Government." The General added that the only time Oliver called on him was when he brought Lord Sidmouth's letter, and that being late

[5] Quoted in the "Life of Lord Sidmouth" by Dean Pellew. Where see also previous letter of Mr. Allsop, that they knew of the meeting of delegates on the evening of the 7th for arranging a rising on the 9th, and that at the meeting it was decided not to postpone it, notwithstanding the arrests.

for the coach, which passed at a distance of two miles, the General sent him over in his gig to catch it.[6]

No one in the present day believes that Lord Sidmouth or General Byng were parties to such conduct as is charged against Oliver. However mistaken in his policy, Lord Sidmouth would have treated any such suggestion with the utmost scorn and contempt. General Byng had a painful duty to perform, and he did it as befitted a soldier of unblemished character and right feeling. Oliver no doubt offered himself to the Home Secretary, and his services were accepted as would have been those of any other person who professed to be able to furnish information. How he carried out his miserable mission is known only to himself. As he managed so discreetly as never to have to appear as a witness, his antecedents and his acts were never elicited on cross-examination. It is, however, very noteworthy that Oliver went to a meeting at Nottingham on the 7th of June, with instructions "not to conceal anything as to the Yorkshire meeting by which the people could be deceived," and that on the next morning Brandreth, the Nottingham captain, was telling his dupes that "All the country was to rise, all at one time," on the following day. It is not uncharitable to attribute to the spy the part with which he is charged, but it is a libel on English statesmen, whatever their politics may be, to suppose for one moment that in playing

[6] Letter of Lord Strafford to the Dean of Norwich, Aug. 15, 1846.

this part he was acting under the instructions of Government.[7]

The following trial gives the details of the insurrection which in time followed so close on Oliver's visit to Nottingham, and which though sufficiently formidable in its earlier stages, really collapsed before it was met by any military force. That it did not arise from any sudden cause, is evident from the preparations of arms and the arrangements for the meeting of the various sections of the rioters. It must have taken many days, if not weeks, to have obtained the information and made the preparations, which were not denied. Whether or not its leader was its sole originator or Oliver was at the bottom of it, that Brandreth was an enthusiast of energy and daring is evident, and in two at least of his comrades he had men of no mean abilities for mischief. Yet it is difficult to believe that a scheme so complete in its various parts was not devised by a more competent mind.

In consequence of the character of the insurrection and the number of persons who were arrested, a special commission to Chief Baron Richards and Justices Dallas, Abbott, and Holroyd was issued for

[7] See Lord Sidmouth's considerate kindness to Bamford on this first arrest, Bamford, vol. i. p. 147, and the anecdote of his being struck with the honest countenance of one of the prisoners, and on questioning him separately, and finding that within a year and a half he had been an honest workman, and been led away by union societies, and then gone all wrong, releasing him at once.—"Life of Lord Sidmouth," vol. iii. p. 196. It is now known that he personally examined the case of every prisoner.

their trial at York, the proceedings under which commenced on the 16th of October, 1817. For the Crown the law officers and eight other counsel appeared, and Mr. Cross and Mr. Denman for the prisoners. In the indictments forty-nine persons were included, and the offences charged were levying war against the king, and attempting with force of arms to subvert the Government on the 9th of June, and between then and the following fortnight. The overt acts laid in the indictment were the usual ones of meeting to arrange plans—agreeing to make an insurrection—purchasing and seizing arms and ammunition—marching armed along the high ways and attacking houses, and levying and making public war. As the prisoners severed in their challenges, Brandreth, the reputed leader, was first put on his trial. In forming the jury a question arose whether the prisoner must challenge before the Crown, and whether the challenge on either part must not be before the oath has begun to be administered. Both these points were decided in the affirmative, and the now well-known rule (which is now embodied in the address of the officer of the court to the prisoner), judicially decided, that any objection must be taken to a juror before he comes to the book to be sworn, and before he is sworn, and that the challenges on both sides must be concluded before the recital of the oath is commenced.

According to the witnesses for the prosecution, between nine and ten on Sunday morning, the 8th of June, Martin and Ashbury, two workmen at the Butterley Iron Works, who had been sworn in as

special constables, on entering the parlour of a public-house kept by a Mrs. Weightman, found above a score of men listening and putting questions to Brandreth, the Nottingham captain. Their talk was about "the revolution," not that of 1688, as was suggested, but about that which, if they had followed Brandreth's instructions, they were intended to effect. To help them, Brandreth had a map of the district, on which the places at which they were to meet were marked with crosses, which he pointed out, telling them that "there would be no good except there was complete overturn of the Government," and to impress the object on their minds, reciting the following verses :—

> "Every man his skill must try,
> He must turn out and not deny.
> No bloody soldiers must he dread ;
> He must turn out and fight for bread.
> The hour is come, you plainly see,
> The Government opposed must be."

The people at each village, he said, were to meet at their appointed places early on Monday, and then march to Nottingham forest, where they were to meet a large party, and with their help to take Nottingham. Sheffield, Manchester, and many other places were to rise at ten on the night of Monday, and, as he afterwards said, "Come like a northern cloud, and sweep all before it." That preparations had been made for this rising was evident from the inquiry made by William Turner, as to where the guns and pistols were. When the persons present said they had none, this man boasted of his village (Wingfield)

"being more forward than theirs, and of his having got an estimate of every gun, pistol, and sword in his parish." That this was no vain boast was proved when the houses in Wingfield were attacked, and the assailants showed that they knew the number and kind of arms possessed by each occupant. Turner also declared that they had forty pikes ready in a stone quarry. It was then determined that they should go round and demand the arms, and if they were not voluntarily delivered take them by force.

During this conversation men kept coming in and going out of the room, asking questions of the captain, and each other. There was no concealment, and though they knew that Martin and Ashbury were special constables, they let them remain in the room from ten in the morning to between three and four in the afternoon, contenting themselves with the threat of putting them up the chimney if they dared to disclose the statements which they had heard. This threat was efficient. Neither of these constables gave information either to their employers or to the magistrates. Instead of leaving the room as soon as they learnt the nature of the conversation, they stayed there for more than six hours, perfecting themselves for appearing as witnesses should the design prove a failure. Still, strange as such conduct may appear, there is no doubt that they told the truth.

The meetings were to take place on the Monday, and early on that day the Nottingham captain was at his work. About half-past eight on that morning Shipman was outside the door of his lodgings at South Wingfield, when Brandreth and

George Weightman came up. He asked them where they were going.

"The prisoner said to an old barn up in the field; that there was a meeting there of the towns of Wingfield, Crich, Pentridge, and Alfreton, that there were arms and ammunition, and that men would be taken on the way as they went to Nottingham; a band of music would meet them—there were thousands more to meet them in Nottingham forest. The witness asked what they would do for provisions when there were so many thousands of them. Brandreth said there would be bread and beef for every man, and half a pint of rum. Witness asked him what the poor women and children were to do; he said there would be a provisional government sent down into the country to relieve the wives and children of those who were gone away; then an old woman who stood by clapped him on the shoulder and said, 'My lad, we have got a magistrate here.' 'You will have a different one,' says he, 'one that will allow you plenty;' he said the countries of England, Ireland, and France were to rise that night at ten o'clock; witness said that if all those countries should rise, the ships would come in and beat the whole. Then Brandreth said, 'A northern cloud would come and sweep all before it, and every one who would not join would be shot on the place.' On cross-examination Shipman remarked that he thought Brandreth either drunk or mad."

The next witness, Thomas Turner, an accomplice, described the progress of the actual rioting.

"I left my father's house in South Wingfield," he said, "a little before nine on Monday evening, and went with Samuel Ludlow and John Watson to opposite the meeting house, near Colonel Halton's gates, where we found William Turner, George Weightman, and some strange man; he was called the Nottingham captain; they all had guns. From thence went to Hunt's barn in the colonel's field. On the way William Turner was loading his gun with bullets, when Weightman said, 'Come, lads, I expect an engagement very soon with Jessop's men at Butterley

furnace.' Witness and Ludlow stopped about 100 yards from the barn, and saw about a score of men coming out of it, and as they came towards him saw they had arms, pikes, and one or two swords. The captain, Turner, and Weightman, were with these men. They were then formed into ranks by the captain and William Turner, and ordered to march to Topham's field to meet the Pentridge men, witness carrying a bag of bullets which had been given to him by one of the party. As the Pentridge men did not meet them, they went to the house of Elijah Hall, and demanded arms. Hall was not willing to give them, he and the captain disputed some time, and at last a gun was given from the window by some one to the captain, who told Hall he understood he had more arms in the house. Hall denied it. The captain replied, 'If you have more, and do not give them, your door shall be broken open.' At last the door was opened, and Hall, followed by Brandreth and others, went in, and when Hall offered to stop him as he was going upstairs to search, Brandreth struck him with his fist in the face, and then threatened to shoot him. Witness laid hold of Brandreth, and told him not to ill-use Hall as he did not believe he had any more arms. Brandreth then took a candle and went up to search, and did not find any, but brought down Hall's son, and made him go with them. From Hall's they went to Isaac Walker's, where they got a pistol, which Brandreth put into the string of his apron, which was tucked round him like a belt. The house of Hunt, one of the prisoners, was afterwards visited, where they had bread and cheese, which Hunt provided, and afterwards joined them willingly. Next they went to Mrs. Hepworth's, where he heard Brandreth rapping at the door, and calling for arms. As the door was not opened Hunt hurled a large stone at it, and when it still remained fastened Brandreth went round to a little back window looking into the kitchen, asked them to give the arms out, or open the door, but they did neither. Somebody within refused them, when Brandreth fired either a gun or a pistol in at the window. On going to the window witness saw Mrs. Hepworth's servant lying on the ground, and said to Brandreth that he should not have shot an innocent man. Brandreth replied 'that it was his duty to do it, and he would do it, and if

witness said anything more about it he would blow his brains out,' The arms were then given up. Thence they went on to Pentridge End, where they were joined by other of the prisoners all armed, taking men and arms out where they could find them. Before, however, they got there Brandreth formed them into ranks, and called on any who had been trained to help to form them, the guns in front, and the pike-men in the rear. At Pentridge other houses were attacked, and a pony taken from a Mr. Booth. The next place visited was the Butterby Iron Works. Mr. Goodwin, the manager, came out and said something, he did not know what, after which Brandreth again gave the order to march, and when we got to Ripley town End to halt and give three huzzas. The next place reached was Codnor, where we stopped at the Glass House public-house, knocked the people up, and bid them bring ale for the whole party, some sixty in number. The landlord was ordered to make out his bill, amounting to 28*s*., and Brandreth told him not to fear about payment, he would see he was paid. As they marched from thence to Langley Mill George Weightman, who had been sent to Nottingham on Mr. Booth's pony, returned. Brandreth and others surrounded him, and asked him the news from Nottingham. He said, 'They were doing very well there; the soldiers would not come out of their barracks, that they were to march on;' they did march on; witness went two or three miles, where some of the party dropped off, and he quitted them, the rest marched on towards Nottingham."

The story of this somewhat unwilling accomplice, who apparently had no previous knowledge of the intended rising before he was summoned to join it, was fully confirmed. Elijah Hall gave further details of the attack on his house and of the violence offered to him by the captain after the door was opened, and of the rioters bringing down his son from his bedroom only partly dressed and forcing him to go with them. His son spoke to the sad scene at Mrs. Hepworth's, and the attacks on other houses

in search of arms. Mrs. Hepworth described the murder of her unoffending servant, who died within a few minutes after receiving the fatal wound. Shipman, besides describing the attack on the house of his master, Mr. Fletcher, and his being forced to accompany the rioters, was present when the pony was stolen from Mr. Booth's, George Weightman sent on it towards Nottingham, and when he returned with the news that all was going on well there. Henry Hole, who was also forced to join company, gave a more detailed version of Weightman's intelligence. "All is right, my lads," he reported Weightman as saying; "you have nothing to do but to march on. They have bombarded Nottingham at two this morning, and it is given up to them." He also swore to a statement of Barnes, also a prisoner, as they were marching to the town, that "they had a fresh Government in Nottingham and were going thither to defend it, that it would soon be all over, for by a letter he saw yesterday, the keys of the Tower would be given up to the Hampden Club party, if they were not already." This witness tried several times to leave the party. Once, when he stood at some distance from the ranks, Brandreth ordered him back, and when he stoutly refused threatened to shoot him, when the witness, holding the long paring-knife, with which they had armed him, over Brandreth's neck, declared he would kill him, if hindered from leaving, and then turned off. He had gone barely some fifty yards when he heard a cry of "Don't shoot," and turning saw Brandreth aiming his gun at him, and Thomas Turner take hold of the captain and turn the gun off. Booth

heard the order given to Weightman to ride on his pony to the house in Nottingham forest, and to bring the tidings back to the rioters at Langley Mill.

Mr. Goodwin, the manager of the Iron Works, spoke to his men having been sworn in as special constables, in consequence of the rumours that an atttack was to be made on them and their men forced out—to about 100 of the rioters coming there, armed with guns and pikes, marching like soldiers in close order, with Brandreth at their head—to their demanding his men, —to his telling them to disperse, "Depend upon it the law will be too strong for you, you will be all hanged,"—to his kindly endeavours to persuade Isaac Ludlow the elder to come into the factory and leave them,—to his replying, "I am as bad as I can be, I cannot go back, I must go on," and to the rioters then being ordered to march by Brandreth. This witness also spoke to seeing William Weightman riding by, and when remonstrated with, admitting that he was going to join the rioters, and that when witness tried to stop his horse, he saw that Weightman had a bag of bullets, which, after some resistance, Weightman surrendered, when it was found to contain eighty-four pounds' weight of bullets, and an instrument for making cartridges. By this, and the preceding witnesses all the prisoners were identified as being with the captain, variously armed, and taking more or less active parts in the attacks on the various houses, and the attempt at the Butterby Works. By several of them, also, other seditious threats and speeches were reported as being made by different prisoners.

Thus far the evidence was complete as to the preparations for the rising, the incitement held out by the leaders to their followers, the attacks on the houses in search of arms and men, the atrocious murder committed by Brandreth, the march of the gradually increasing body of rioters towards Nottingham, and their equally gradual diminution after the failure at the Iron Works. One more incident had to be proved. Brandreth, at the meeting on the Sunday, and at subsequent times had assured his dupes that they would be joined by thousands in Nottingham forest, and during the march had sent Weightman thither to report how matters stood. To prove this fact, so important in showing that this conspiracy had wide ramifications, and was not any suddenly excited riot, a Mr. Roper, who lived in the stand on the race-course in the middle of the forest, was called.

"On Monday night, the 9th of June," said this witness, "on going home to my house about half-past eleven, I met a great many persons on the way, and was stopped at the entrance to the race-course by a man who asked where I was going. We (a man of the name of Perceval was with him) told him we were going home, and he said we must not go on that way; that induced me to stop a while, and afterwards, in going home, I met about a hundred men, they were standing in line two deep. They had some of them pikes, others poles resembling pikes, I think this was a little before twelve at night. We passed them, and about ten of them, with pikes, followed us, and as we were turning off the race-course they stopped us, they brought their pikes down to the charge, to charge upon us. I afterwards passed on to my house with Perceval, and afterwards, when I came out again, saw about the same number of men, standing in line, under a shed or piazza, and they left my house about two o'clock. When they went away they left a pole

behind them, but there was nothing at the end of it. I was in the house when they were in the shed. They knocked at my door, and demanded fire-arms. I owned I had some, and they told me I must deliver them up to them. I told them I would not. They told me if I would not, they would be under the necessity of breaking open the door, and taking them by force. I told them that if they did so, I would blow out the brains of the first man that entered. 'Will you?' they replied, and I said, 'Yes.' A man called for the fire-arms to come forward, and I heard a bustle on the flagstones or under the piazza, and expected they were coming. The piazzas are before my house; they made no attempt on my door, but came forward and asked me how many fire-arms I had. I told them two, a rifle and a fusee. They asked me to give them to them, and when I said 'No,' they asked me to sell them. I refused."[8]

The cross-examination of this witness by Denman was limited to the inquiry whether at the public-house where he had been before starting for home "there was a man of the name of Oliver," and on his replying, "Not that I know of," the witness was asked if he knew a person of that name, which he denied. This was the only attempt during the trial

[8] An attempt was made by the counsel for the prisoners to exclude the statements made by the persons assembled in the forest, whilst admitting that their acts could legally be given in evidence against the prisoner. "When," said the Chief Baron, "it is admitted that the facts done by these persons in Nottingham forest are to be admitted as evidence, I cannot conceive how it is possible to separate the declarations, and the words of the persons who transacted those acts, for they are part of the transactions, and they serve to show the object of these transactions; but I think it is evidence on a different principle quite, that the prisoner has identified himself with those persons, and that he and they are as much a part of the same body as he and the persons immediately accompanying him." As all the judges concurred, the objection was overruled.

to bring forward the Government spy, who was accused of having incited the sedition.

Early on the Tuesday morning, Mr. Rolleston, an active magistrate, in consequence of the agitated state in which he had found the town of Nottingham on the previous night, started on his horse to reconnoitre. He found the people much alarmed, and when he got to the village of Eastwood, about six miles from Nottingham, met a large body of men armed with pikes. Riding back to the town, he procured a small party of eighteen men and two officers of the 15th Hussars, and returned towards Eastwood. He then learned that the rioters had dispersed. Following them with his party, he found a quantity of guns and pikes scattered along the road. He continued his pursuit till within half a mile of Eastwood, and then with one dragoon turned off after a party of thirty or forty which he observed, who were dispersing and throwing away their arms, and secured two or three of them. He then returned towards Eastwood, and at Langley Mill came up with the main body of the rioters, who were all dispersing and being pursued by the people, thirty of them being caught and brought into Nottingham. Brandreth at that time had escaped, how, when, and where he was taken was not proved on his trial. With the confirmatory evidence of Captain Phillips, who was in command of the party of hussars, the case for the prosecution was closed.

As the only evidence offered for the prisoner was proof of his having received relief from his parish, and no serious attempt had been made by cross-examination to

invalidate the evidence of the witnesses (though severe remarks were made on the conduct of the constables), the real defence attempted was that it was an aggravated riot, and not such a levying of war as in law amounted to high treason. Such a line of defence, though supported by the dicta of former judges and legal authorities, and urged with all the ability of such able counsel as Serjeant Cross and Mr. Denman, met with but little favour from the Court.

"If," said the Lord Chief Baron, "there be an insurrection, a large rising of the people, in order by force and violence not to accomplish or avenge any private object of their own, not any private quarrels of their own, but to effectuate any general purpose, that is considered by the law as a levying of war; that there was an insurrection here is quite clear, that there was a great body of people collected and collecting together is quite clear; that they expected a great number of persons with whom they stated themselves to be in conspiracy is equally clear; that they said there were men to meet them in Nottingham forest, and that there were men to meet them there according to their declaration is quite clear; that they came armed, that they came in military array, that they forced open houses, that they obliged people to give them arms, that they declared, from time to time, what their purpose was, and that they committed the outrages you have heard described; all these facts are indisputable. Now, gentlemen, the insurrection is not to be to accomplish any private objects or quarrels of their own. Was this insurrection calculated to accomplish or avenge any private objects of their own, or any private quarrels of their own, or was it to effectuate a general public purpose? Was it to alter the laws, to reform the Government, or to bring about a revolution—aye or no is no question. That these people were in a low situation of life is no excuse at all. If they were in distress, of which there is no evidence, that can be no excuse if they intended to overturn the Government. If there was no great prospect of success that is no excuse, for it is not less a crime because the design is not likely to be completed in the

way in which they desire it. The question is, whether this insurrection was intended by force and violence to effectuate any general purpose."

Thus clearly directed by the judge, and with the evidence before them (entirely uncontradicted) of the design of the insurrection as stated by Brandreth and the other leaders, the jury could not hesitate as to their verdict. After a decorous consideration of less than half an hour, Brandreth was found guilty, and on subsequent trials, Turner, Ludlow, and Weightman shared the same fate. In the cases of Turner and Ludlow, after a repetition of so much of the same evidence as bore on their respective cases, the same defence as in Brandreth's case was attempted. When, however, Weightman was tried, no defence was attempted. An appeal for mercy had the desired effect of obtaining from the jury such a recommendation that his life was eventually spared. To his comrades no mercy was shown, and on the 7th of November they suffered the extreme penalty of the law. Any further resistance was useless. Of the other prisoners twenty withdrew their pleas of Not Guilty. Satisfied with this result, and considering the youthfulness of many of the remaining prisoners, the Crown offered no evidence against them, and the trials came to an end. On seventeen, the sentence of death was pronounced, commuted, with the exception of the three leaders, into transportation for various terms of years, and in the cases of four, a sentence of imprisonment for periods from two years to six months was deemed sufficient.

The shifts and inconsistencies to which counsel for

prisoners are so often driven in the defence of their clients received a marked illustration in the speeches of Denman for Turner and Ludlow, as contrasted with that for the Nottingham captain. In defending the leader of the insurrection, the line taken was to ridicule the idea of a mere uneducated, starving pauper conceiving such a scheme, and to use his miserable position as an argument in favour of the affair being a mere aggravated riot. When, however, he had to defend the captain's lieutenant, Turner—the old soldier—a totally different character was assigned to Brandreth. He was now a second Napoleon. "Gentlemen," said Denman to the jury, "you were present in Court during his trial, and when he received his verdict of guilty—I will ask you whether you ever saw a more extraordinary man, a man more evidently gifted by nature with the talent of swaying the minds of the common people by a sort of instructive influence, which even in his humble station there is no resisting—the influence of great courage, of uncommmon decision, of unrelenting firmness—the influence of an eye like no eye that I ever beheld before, of a countenance and figure formed for activity, enterprise, and command.—Like the captain of a band of pirates, or a troop of banditti, he was obviously one of those persons who have in all ages exercised undisputed control over people in their condition, and to whose natural superiority their moral and physical forces have ever yielded implicit homage.—It is not wonderful that they had not the strength of mind to question his authority." When he came to the defence of the

third prisoner, Ludlow, he cited Byron's well-known description of the Corsair as a portrait of the Nottingham captain, "as accurate, as powerful, as if the first of painters had seen him in his hour of exertion and then hit off his likeness." Dupes or not dupes, Turner and Ludlow had so evidently been for too long a period engaged in making preparations for the insurrection, for such an argument to prevail in their favour.

Another remark of Denman's, savouring of the old instruction, "No case, abuse the plaintiff's attorney," was in such bad taste and so utterly worthless as to be unworthy of so able a counsel. He more than insinuated that Serjeant Copley had been brought down specially by the Crown, to form one of the troop of counsel for the prosecution, not for the sake of the assistance he could give, but solely to prevent the eloquent and successful advocate of Watson from exercising his great abilities for the prisoners. True or not true, it was a petty attempt to raise a prejudice in a case in which it was impossible to controvert the facts. We cite these incidents not as reflecting personally on one so justly respected as the late Lord Denman, but to show the difficulties and the temptations to which the best of counsel may be subjected in the discharge of their arduous duties. Though he necessarily failed in his defence, the spirit and ability of his speeches attracted the attention of the Bench, the Bar, and the public, and marked him as a rising man.

THE REIGN OF GEORGE IV.—1820 TO 1830.

CHAPTER VII.

HISTORICAL SUMMARY.

Serious illness of the King on his accession—*The Cato Street Conspiracy*—Negotiations with the Queen—Her sudden arrival in England and popular reception—The Green Bag and the Bill of Pains and Penalties—*Trials of Hunt and others for the Manchester riot—Sir C. Wolseley and Harrison, and Sir F. Burdett for seditious speeches*—Canning's refusal to agree to criminal proceedings against the Queen, and tender of his resignation to the King—Ordered to remain, and retirement to the Continent until the close of the trial—*The Queen's Trial*—The Bill of Pains and Penalties withdrawn after third reading—Resignation of Canning—The Royal Visit to Ireland—Illness and death of the Queen—Union of the Grenville party with the Cabinet—Nomination of Canning as Governor-General of India—Suicide of Lord Londonderry, and appointment of Canning as Minister for Foreign Affairs—His foreign policy—Recognition of the South American Republics—Expedition to Portugal—Marquis Wellesley as Irish Viceroy—Dissatisfaction at his conduct and policy—*The Bottle Conspiracy*, and failure of the prosecution—Debates in Parliament on the conduct of Plunkett as Attorney-General—Canning's resolution prohibiting the use of the lash in the West Indian Colonies—Condition of the Colonists—The slave rising in Demerara—*Trial of Smith the Missionary*—Speech of the Duke of York against Catholic emancipation—Ill-

ness and resignation of Lord Liverpool—Canning Premier—Secession of the Duke of Wellington, Peel, and others—The treaty for securing the independence of Greece—Death of Canning—The five months' ministry of Lord Goderich—The Duke of Clarence as Lord High Admiral—The Duke of Wellington's first Cabinet—Repeal of the Sacramental Test—Proposal to transfer to Birmingham the member for East Retford—Vote and resignation of Huskisson and the friends of Canning—Spread of agitation for emancipation in Ireland—Election of O'Connell for Clare—Danger of civil war, and determination of the Duke of Wellington and Peel to settle the Catholic question—Extraordinary conduct of the King—The Catholic Relief Bill carried—Speech of the Duke of Wellington—Increasing illness and death of the King.

AT his accession the new king was so seriously ill that he was not only unable to take his proper place at the funeral of his father, but his death was regarded as more than probable. Thanks, however, to the extraordinary strength of his constitution, and the devoted attention of Knighton,[1] who was as careful

[1] Sir W. Knighton, who had accompanied Marquis Wellesley to Spain, as his medical attendant in 1809, was, on the marquis' recommendation, soon after appointed one of the physicians to the Regent. As executor of Sir J. MacMahon, the Regent's private secretary, he found among his friend's papers private ones of great interest and importance to the Regent, which he carried to the prince. In consequence, in 1818, he was made auditor of the Duchy of Cornwall, and from 1820 was in the private confidence of the prince, who from that time constantly sent for him, and acted on his advice. In 1820 he was in close attendance on the king during his illness at his accession, and went with him to Hanover the next year. In 1822 he succeeded Blomfield as privy purse and private secretary, and found the king's pecuniary affairs in a deplorable condition. His remonstrance with the king, for a few days caused great displeasure, but the king soon realized the wisdom of his advice, and the honesty of his purpose, and recalled him in a letter (July 11, 1822), in

of his body as of his purse and his secrets, he struggled through, and the old reports revived of an impending change of ministers. On the 30th of January Parliament met, and after the formalities of swearing-in members had been completed, on the 17th of February received a brief message recommending them to provide for the claims of the public service during the period that must necessarily elapse before the new Parliament could be summoned. These duties were soon performed, and Parliament was prorogued and dissolved at the end of the month. In that brief period the public had been startled with the discovery of the Cato Street Conspiracy—atrocious and sanguinary in its purpose, and, as all previous plots, carried out by persons, with one exception, of the lowest class. The party politician might satirize it as "the little plot in the hay-loft;" but, had it only partially succeeded, it is impossible to doubt that the occasion would have been seized for riots of a most mischievous, if not dangerous character, not only in the metropolis, but in the still disaffected manufacturing districts. How it was concocted, and why

which he expressed his regret at the unjust and hasty expressions he had used. From that time till the king's death, Knighton worked incessantly and successfully to retrieve money-matters, and to arrange the many doubtful difficulties into which, as prince and regent, the king had got entangled. Hardly a year passed without his going abroad on some private mission connected with the Dutch loans obtained on the joint bonds of the prince and his brothers, York and Clarence, and the inheritance of this king's nephew—the eccentric Duke of Brunswick—to whom he was guardian. He was a most faithful, honest, and hard-working servant.

it failed, is to be related hereafter.[2] Suffice it now to state that by it was intended the murder of the Cabinet, and that the success of this atrocious outrage was to be the signal for all the bad spirits to lead the unemployed into riots which could not have been quelled without pitiable bloodshed. As it had failed it only served as an argument in favour of the severe laws that had been passed at the close of the Regency, by those who would, or could not, see that to this excessive severity of recent legislation was due much of that widespread disaffection of which it was intended by the conspirators to take advantage. The political excitement during this year was increased by the trials of Hunt and his companions for the Manchester meeting, and Sir C. Wolseley and Harrison, and Sir Francis Burdett for seditious speeches.[3]

Another matter of far more interest to the king pressed for some decision. While he was living in selfish retirement[4] with her who now exercised over

[2] See the trial of Thistlewood and others for the Cato Street Conspiracy, Chapter ix., *post.*

[3] See reports of those trials, Chapter viii., *post.*

[4] The king never shows himself. Has never been out of Carlton House. Lady Conyngham goes to him of an evening, and he has his usual dinners with Sir Carneby Haggerston, Forester, and two or three others of this description. His language is only about the coronation and Lady C——, very little of the state of the country.—Freemantle to Marquis Buckingham, May 8. The king grows more unpopular daily, and is the only individual in the kingdom who is insensible to it. He sees Lady C—— daily, and had a party of his family at dinner this week, she the only exception.—July 29. The king has been (at the cottage in Windsor Park) for the last fortnight in the greatest retirement, his party consisting of very

him that female influence to which he so readily submitted, his queen was abroad, hunted by spies, and coldly treated by obsequious foreign governments, and his wife had, to her honour, severed all intercourse with him, and was living in decorous retirement. More money and a divorce was again his cry. His ministers resisted him firmly. The present state of the country, and the distresses of the working classes forbade the one; his own conduct made the other impossible. Ministers had persuaded themselves that a compromise might be effected, by which the queen, retaining her proper position so long as she remained abroad, might be induced to accept a liberal maintenance, and the discredit of the revelations of the Green Bag might be avoided. They were content so far to please the king as to agree to her not being crowned, and not prayed for in the Liturgy, and even her most sincere friend, Mr. Canning, agreed to these terms, if all idea of a penal process was not in contemplation. After a feeble resistance the king yielded, on the understanding that the Cabinet would support and justify the omission of his consort's name from the Liturgy, an act of spite on which his mind was set.

few, the principal object of course Lady C——. They ride every day, or go to the water in a barouche. The king and her together separated from the rest, and in the evening sitting alone apart. The secrecy that is preserved as to their pursuits is beyond all idea. No servant is permitted to say who is here; no one of the party calls on anybody, or goes near Windsor; and when they ride, a groom is in advance ordering everybody to retire for the king is coming.—Aug. 11, Duke of Buckingham's "George IV."

For a short time matters went on quietly in England; the king occupying his time in sketching processions, and devising dresses for his coronation, and his ministers in preparing for the opening of the new Parliament. The king even acquired a brief popularity by his proposal to place the disposal of his hereditary revenues in the hands of Parliament, and his statement that he did not wish to add to the burdens of his people by any increase on the allowances to the Crown settled in 1815. The appearance was only deceptive, and as the rumour arose that "the queen was coming," every one felt that the country was on the eve of a political crisis.

The news of George III.'s death reached the queen at Leghorn. She moved at once to Rome, where a guard of honour was refused her, and there, early in March, she heard that her name had been struck out of the Liturgy. After remonstrating with Lord Liverpool she travelled to Geneva, where she arrived on the 15th of May, and, on Brougham failing to meet her there, hurried on to St. Omer. Then followed the renewed attempt and failure of the negotiation for a compromise, the sudden flight to Calais, her embarkation on the packet-boat, and her arrival and enthusiastic reception at Dover on the 6th of June, her strange progress through London, and assumption of a position which compelled defiance or submission on the part of the king and his advisers. This is not the place for the detail of the negotiations that followed, or of the extraordinary scenes to which the metropolis was witness, in the noisy devotion of the people to her cause. The king is hardly to be

blamed for his action, except on the score of policy. The queen had thrown down the glove, and he could hardly, as king, refuse to accept the proffered challenge. The Green Bag was sent to Parliament, its disgusting details were referred to a select committee of the Lords, and on their report that the evidence against the queen was such as to require a solemn inquiry, which would best be effected by legislation, the Bill of Pains of Penalties was introduced. By it her Majesty was "deprived of all her rights as queen consort, and the marriage was dissolved." To this step Canning so strongly objected that he personally tendered his resignation to the king, who, we are assured, "expressed his strong sense of the manly proceeding of his minister, and his especial satisfaction at his having come at once to him with this communication, instead of conveying it through a third person. He acquiesced, with perfect cordiality and good humour, in the adoption of the line of proceeding which Canning had announced with respect to the queen's affairs, and said it was what he expected; but plainly intimated, at the same time, that Canning had not told all his reasons for declining to take a share in the proceedings against her." On the question of his retirement from the Cabinet, the king took a day to consider; but at parting "assured him of his entire approval of his conduct, and that whatever might be his decision as to retirement or not, he should never cease to feel the sincerest regard for him." He further said, that, "if ever he should hear (as probably he might) reflections thrown out against him for stopping short, after having gone so

far, he should uniformly declare that Mr. Canning had acted in the most manly, honourable, and gentlemanly manner." Next day Canning was informed that "he must remain, and follow what course he pleased as to the queen, and further might assign the king's pleasure as the reason for his remaining." Notwithstanding these professions there is no doubt that the king felt Canning's desertion bitterly, and from that time entertained a grudge against him. Canning, having failed to persuade the Premier to withdraw the bill, prophesying defeat in consequence of the divorce clause, went abroad until the case was over.

On the 17th of August the bill came on for its second reading, and the queen's trial began. During nineteen days the witnesses against the queen detailed their accusations, and, after those had been summed up, the House adjourned the inquiry until the 3rd of October, to enable the queen's counsel to prepare for the defence. From the 4th to the 24th of that month the examination of the witnesses for the defence continued, and at length, after the conclusion of the arguments of counsel, the Peers, on the 2nd of November, commenced their debates, and after five nights of discussion affirmed the second reading by a majority of 123 against 95. Even this majority was considered by many of the friends of the Cabinet as too meagre to ensure the passage of the bill through the House of Commons. There was yet, however, a greater difficulty in the divorce clause, and on the advice of Canning the Cabinet proposed to strike it out. The queen's friends saw their advan-

tage, and successfully retained it, with the inevitable result that, on the third reading, the majority fell to *nine*, and the bill was abandoned. The king was defeated, and the ministry disgraced, but still the queen's victory was far from satisfactory. There was much truth in the Duke of Wellington's assertion that the withdrawal of the bill was solely on the ground of expediency, and had nothing to do with the verdict.[5] So far as the Peers could, they affirmed her guilt on the second reading.

Though the public feeling in the queen's favour was still as loudly displayed as ever when she went to St. Paul's to return thanks for her deliverance from great peril and affliction, her popularity steadily waned. And when, after a show of refusing any allowance if her name was still excluded from public prayer, she accepted the grant, it fell as rapidly as it had risen. The people began to occupy themselves about parliamentary reform, which had been temporarily forgotten, and "her way of life and her final fate became objects more of curiosity than interest." Speeches in abundance were made about her and her claims in the session of 1821, but without any practical results; her right to be crowned was stoutly but fruitlessly fought for by her legal advisers, but about the questions raised few but her own immediate partisans felt any interest. Her ill-advised attempt to enter the abbey and take her place at the gorgeous coronation ceremony, ending in an ignominious repulse, only added to her humiliation, and when, within a month after she died, the scene at her funeral

[5] "Phimer Ward's Diary," ii. 93.

was due rather to the foolish tactics of the king's advisers than to any real revival of the public feeling by which she had been welcomed on her arrival, and supported during her trial.

So long as the proceedings against the queen were confined to the Bill of Pains and Penalties, Canning was content to remain abroad, and yet act as a minister. When, however, on the withdrawal of the bill, the future discussion was certain to be so intermixed with the business of the session that he could not absent himself without appearing virtually to abandon his parliamentary duties, he resigned. "To be present, as a minister," he wrote the king, "taking no part in them, would not only produce embarrassment to himself and perplexity to his colleagues, but the utmost disadvantage to the conduct of affairs." His retirement was received with regret, but not with surprise.

The intelligence of the queen's illness reached the king on board his yacht at sea, on his way to Ireland, whither he had started on the 31st of July. According to the faithful Knighton the king arranged with Lord Sidmouth to land quietly at Dunleary, and wait there the recovery or death of his consort. The news of her death rapidly followed, and on the 12th of August he arrived in Dublin, and remained in seclusion at the Phœnix Park until the body had been removed to Harwich.[6]

[6] Freemantle gives an amusing account of the voyage to, and the life in, Ireland. "The passage to Dublin was occupied in eating goose pie and drinking whisky, of which all partook most abundantly, singing many joyous songs, and being in a

When he did appear in public his reception was hearty and loyal. The Irish could fully appreciate his jovial habits, and were captivated by the graceful manners which he could so readily assume. "No man," wrote Lord Dudley, "knows better how to add to an obligation by the way of conferring it. But on the whole he wants dignity, not only in the seclusion and familiarity of his private life, but on public occasions. He seems to have behaved, not like a sovereign coming in pomp and state to visit a part of his dominions, but, like a popular candidate, come down on an electioneering trip. Henry IV. is a dangerous example for sovereigns who are not, like him, splendid chevaliers and consummate captains. Louis XIV., who was never seen even by his valet but in a full-bottomed wig, is a much safer

state, on his arrival to double in sight even the members of his gracious subjects assembled on the pier to receive him. The fact was, they were in the last stage of intoxication. However, they got him to the park. Lady C—— has been almost constantly at the park, but has not appeared much in public." —Aug. 26. "She lived exclusively with him during the whole time he was in Ireland. When he went to Slane Castle she received him dressed out as for a drawing-room. He saluted her, and they retired alone to her apartments."—Sept. 16. If he was not deceiving Lady Harcourt, whom he met on his way home from Ireland, Lady Conyngham's influence was exercised for the best of purposes. On meeting them "he got out and sat in the road talking to them about his perilous adventures and reception in Ireland. Lady Harcourt told me his pious acknowledgment for his great escape from shipwreck was quite edifying, and the very great change in his moral habits and religious feelings was quite astonishing, and all owing to Lady C——." Sept. 21.—Duke of Buckingham's "George IV."

model." Whilst he was in Ireland the Catholics were received by the king with studious courtesy, as well in the royal closet as in public, and when he left, after his short visit, their hopes were raised by the courtesy which they misunderstood, that his bitter opposition to their claims was sensibly lessened, if not entirely dissipated.

Towards the close of 1821 the negotiations for the accession of the Grenville party, which had been revived before the coronation, on the death of Lady Liverpool, and the expected resignation of Lord Sidmouth, were again renewed. As early as June Lady Conyngham had been intriguing to bring in the opposition, the ladies of whose leaders were assiduously courting "the female influence." It was not, however, until November that the Duke of Wellington, in whose hands the matter seems to have rested, saw his way to any such arrangement, and even then the offer was far beneath the anticipations of that family party. The Marquis of Buckingham, who dearly wished for office, and yearned for the Viceroyship of Ireland, was to be content with a dukedom; one of the party, C. Wynn, was to be admitted to the Cabinet; Wellesley, with Goulburn for his Secretary, as a set-off on one side, and Plunkett as his Attorney-General on the other, was to go to Ireland; two of the dependents, Freemantle and Phillimore, were to have seats on some one or other of the principal boards, and a diplomatic place was to be made for Henry Wynn in Switzerland.[7]

[7] The Marquis of Buckingham was made a duke, with remainder of the earldom of Temple to his granddaughter and

In this arrangement "the general opinions of all parties on the question of Catholic emancipation were to remain unaltered, but the course of government was to be regulated by practical considerations (in the present condition of the country) in which persons of different sentiments might cordially concur." "An impartial, equitable, and mild administration of the law," wrote Wellesley to his ally, the marquis, "of which the alteration cannot be effected or attempted by the Lord Lieutenant, is the only safe course which can now be pursued, and the only channel through which we can ever reach a happy and permanent settlement."[8] It required a statesman of a far different character to the imperious Wellesley to carry out these good intentions. He never could forget his Indian career, and was too fond of narrating his victories over Indian cabals and anticipating the same success in Ireland by the same means.

Canning was still out of office, though Lord Liverpool, on the proposal of Lord Sidmouth to retire, had suggested his return now that all questions about the queen had been settled. It is said, and

her heirs male. Charles Wynn went to the Board of Trade, with Freemantle and Phillimore as junior members; Henry Wynn to the Swiss Cantons as a full ambassador, which was severely attacked, on the ground that the post only required an inferior and less highly paid diplomatist, and Peel became Home Secretary. Phillimore, probably calculating on a brief tenure of office, bargained to be allowed to continue his practice at the bar, and not to be made a privy councillor. He tried to secure the reversion of Lord Stowell's place as Judge of the Admiralty Court, but failed.

[8] Wellesley to Marquis Buckingham, Dec. 3, 1821.

probably with truth, that the resistance of the king was such that Lord Liverpool threatened resignation, and the difficulty was, for the time, tided over by the king expressing his wish that Lord Sidmouth should remain for the present, and accompany him to Ireland.

Twice, whilst out of office, Canning had renewed his exertions in favour of Catholic emancipation, and though successful in the Commons, suffered the usual defeat in the Upper House. He was far too popular a man, and too eloquent a speaker not to be a source of fear so long as he was out of office. When, therefore, Lord Hastings intimated his desire to resign the Governor-Generalship of India, the post was gladly offered to him, and not unwillingly accepted. For this office he was admirably fitted by his five years' experience at the Board of Control, and opponents and friends alike looked forward to the appointment as a fortunate one for the country he was called on to govern. Unfortunately for his peace of mind and his life, it was not to be. Official delays protracted the resignation of Lord Hastings so long that, on the suicide of Lord Londonderry, the king was compelled to accept Canning as that ill-fated nobleman's successor, and to break the vow which he is said to have confessed to have made, never to admit him again to his counsels.[9]

[9] The intelligence of Lord Londonderry's death reached the king in Scotland, whence he wrote requiring Lord Liverpool not to make any arrangements as to his successor until the king's return to London, and at the same time not to interrupt the

On the accession of Canning a complete change was effected in the foreign policy of our Government. By his instructions to the Duke of Wellington, as our representative at the Congress of Verona, he separated England from the designs of the Holy Alliance, peremptorily refusing to countenance the invasion of Spain by France, to enable Ferdinand to set aside the constitution, and make himself absolute king; by his gradual but firm conduct in recognizing the South American republics as independent states, without violating any principle, he asserted the policy of pursuing our own interests without giving any fresh cause of offence to other powers.[1] Though essen-

proposed arrangement for Canning going to India.—Lord Dudley's Letters, p. 351. On his return to town the king had several angry discussions with the Cabinet, and did not consent to Canning being invited until pressed by the Duke of Wellington. In his letter to Lord Liverpool, of Sept. 8, 1822, he used the expression, "The king is aware that the highest ornament of the Crown is the power of extending *grace and favour* to a subject who may have incurred his displeasure." Canning was so irritated at these words that he wrote a letter refusing, but was persuaded by Charles Ellis and Lord Grenville not to send it; and he wrote an acceptance, in which he ironically referred to the obnoxious words. Mr. Grenville says that the cause of the king's bitterness against Canning, was his making the king pay for the Milan Commission, for which Lord Liverpool had promised to obtain a vote. The most probable reason was the influence of foreign powers through Madame Lieven. The opposition to Huskisson's entering the Cabinet was due to "the female influence."

[1] On the recognition of Buenos Ayres, July, 1824, the king was so displeased that, at the instigation of Madame Lieven, he wrote a long letter to the Cabinet in opposition to the recognition of the South American republics, to which he desired

tially a peace minister, he could strike, and strike home when the occasion required. The separation of our policy from that of the absolutist sovereigns of Europe, despite the remonstrances of their ministers, and the intrigues of their agents with the king, and the acknowledgment of the South American republics had been accomplished without even a threat of war. When, however, at the close of 1826, Ferdinand of Spain, now a despotic king, thanks to the French invasion, threatened to send an army into Portugal, to put down her constitutional government, Canning acted with decision and promptitude. On the 12th of December, on moving an answer to the king's address to the House of the previous day, stating the application of Portugal for assistance, he thus briefly told the story of action. "The first intimation came from the Portuguese ambassador on the 3rd. Government desired precise information. It was only received on Friday night. On Saturday his Majesty's confidential servants came to a decision. On Sunday that decision received his Majesty's sanction. On Monday it was communicated to Parliament, and this day, sir, at the hour in which I have the honour of addressing you, the troops are on their march for embarkation." "We go to plant the standard of England on the well-known heights of Lisbon. Where that standard is planted foreign dominion shall not come." It was a bloodless triumph. When our troops entered the Tagus the

separate replies from each member, in the hopes of creating dissensions among them. The Cabinet sent a general reply, which gave him cold comfort.

Spanish army retired from the Portuguese frontier, and the work had been done.

To return, however, to the natural course of our summary. The government of Wellesley in Ireland proved most unsatisfactory. The Catholics were disappointed when they discovered, that, in office it was not intended to carry out the policy which Wellesley and Plunket had so strenuously advocated when in opposition, and the Protestants—especially the Orange party—were annoyed at the prohibition of Orange toasts at banquets, and the interference with the old custom of decking King William's statue. His attempt to please both parties pleased neither, whilst his haughty manners and secluded habits were far from congenial to the feelings of Irish society. In his dealings with agrarian outrages he was equally unsuccessful; delaying his application for sufficient powers to repress them until the evil had obtained such a dangerous magnitude, that, even when the power was obtained, it failed to effect the desired object. To add to the difficulty, a famine of unexampled severity appeared, bringing starvation, disease, and death in its train, and demanding not only a large vote of money from Parliament, but far larger contributions from the charitable. When, after months of bitter distress, the famine ceased, agrarian outrages revived, and public feeling was intensely and dangerously excited. It was at this juncture that the decking of the statue on College Green was prohibited, and a few days after, the insult given to the Lord Lieutenant at the theatre by the so-called Bottle Conspirators, in dealing with whom the

Government got little credit, and the Lord Lieutenant became the mark for abuse and ridicule.[1]

Notwithstanding all that England had done to abolish the inhuman traffic in slaves, it was still openly practised by some few states, and cruelly encouraged by others, whilst our own efforts in its repression were materially hindered by the existence of slavery in our West Indian islands. In May, 1823, Fowell Buxton, therefore, moved a resolution denouncing its existence as repugnant to the principles of the constitution and the Christian religion, and affirming "that it ought to be gradually abolished with such expedition as might be found consistent with a due regard to the welfare of the parties concerned." To even so moderate a proposition as this Parliament was not then prepared to assent. Ministers, however, felt that some step towards eventual abolition must be taken, and Canning, in consequence, moved and carried unanimously a mitigated resolution. By it the House declared that "decisive measures should be taken for ameliorating the condition of the slaves in our colonies, and, that, through such measures Parliament looked forward to such a progressive improvement in the character of the slave population as might prepare them for a participation in civil rights and privileges." Determined that this resolution should not remain unfruitful, a circular was issued by the Colonial Secretary forbidding, for the future, the flogging of female slaves, and recommending that the whip should no longer be carried into

[1] The details of Wellesley's failure are fully given in the introduction to the trial of the Bottle Conspirators, *post*.

the field, and there displayed by the overseer as an emblem of authority, or used by him as the instrument of punishment to males. The West Indian interests took alarm, and in many of the islands the local legislatures passed votes of indignation. In Demerara the assembly accepted the new code of punishment, with this unfortunate result, that the negroes, persuaded that the truth was concealed, and that emancipation had in reality been decreed by Parliament, rose in many parts of the island, and without bloodshed imprisoned their owners. Martial law was at once proclaimed, and after a short but painful struggle the rising put down, nearly fifty slaves being executed, and others cruelly tortured. Among those who were accused and tried was a missionary of the name of Smith, in whose trial and condemnation to death "a series of errors, so gross as to mock belief, and oppressions unexampled in the dispensation of English justice" were committed. The governor of the island refused to execute the sentence, and referred the case to Government, by whom the sentence was rescinded, or rather commuted to banishment from Demerara. The poor victim, however, had died before the decision was given, after many weeks of suffering caused by the effect of a loathsome dungeon on a weak constitution. When the case was discussed in the House of Commons in 1824 Brougham warned the slave-owners against trifling with the commands of the parent state, and the voice of Wilberforce was heard for the last time in support of the agitation to which he had devoted his life.

It is impossible within the limits of our summary

to do more than allude to the financial panic of 1825, due to the insane mania for speculation in South American mines and other projects, and the failure of the county bankers to stand the withdrawal of the balances, caused by the drain of bullion, on which their credit had existed. Severe and widespread as the losses were, they worked great benefit, in the restriction of the future issues of county bank-notes, the curtailment of the exclusive privileges of the Bank of England, and the subsequent legalisation of joint-stock banks in towns more than sixty-five miles from London.

Catholic emancipation, though still to remain for a short time an open question in the Cabinet, pressed for solution. In 1825 the pro-Catholic section of the Cabinet carried in the Commons a bill for the repeal of these disabilities, for providing a state provision for the priests, and abolishing the forty shilling freeholders. The Duke of York took the lead in opposing the measure. As heir-presumptive to the Crown of the sickly king, his influence was naturally great. When, therefore, he declared that in whatever position he might be placed, and to whatever obloquy he might be exposed, he could not change his opinions and should act conformably to them,[3] his words caused an enormous sensation throughout the kingdom, and no doubt contributed not only to increase the majority with which the bill was thrown out in the House of Lords, but to prevent the question being

[3] May, 1825. The speech of the Duke was printed in gold letters, and circulated throughout the country by the anti-Catholics.

raised in the succeeding year. Whether the king had prompted his brother's imprudent speech or not, there is no doubt that he then agreed with it, and as long as the Duke of York lived he exercised a great influence over him on this and other political questions. On the 1st of January, 1827, the duke died, and his brother of Clarence became the next probable successor to the throne of the invalid.

Within about a month of the duke's death, the Premier, from a fit of apoplexy, practically closed his official life. It was not, however, until the 12th of April that Canning succeeded to the position he had won by his work as a minister and his eloquence as a speaker, as the head of a Cabinet, sadly weakened by the refusal of Wellington, Peel, and other less valuable members of the late ministry to serve under him.[4] From that day he was worried to death by attacks of the most bitter and personal character, from the haughty and contemptuous violence of Lord Grey and those family statesmen who looked on him as an adventurer not of the blue blood of hereditary Whig statesmen, to the small fry of politicians to whom the great novelist gave the appropriate nickname of the "Yelpers." During his brief tenure of office, Canning saved Greece from the Turk. On the 1st of July, 1827, the treaty with France and Russia was signed, and the first effective step taken for

[4] On the resignation of the command of the army by the Duke of Wellington the king wanted to take the post, Sir Herbert Taylor acting as his secretary, and giving commands in the king's name. "I will protest against it in the most formal manner," said the Duke; and the project fell through.

ensuring the independence of Greece. On the 30th of July the illness, which had originated from a cold caught at the Duke of York's funeral, had so wasted him, that the king, who had of late given his cordial support to his minister, sent his own physicians to him. It was too late, the disease steadily increased, and on the 8th of August he died. The regret at his death was almost universal. When he was gone, even his opponents felt how great was the loss which the nation had experienced.

Of the mixed Government under Lord Goderich that succeeded on Canning's death little need be said. Though in the Cabinet, Lyndhurst, Peel, Huskisson, and Lord Palmerston were included, there was no cohesion between the different sections they represented, and after five months this short-lived Government came to an end. Only one event of moment occurred during its brief tenure of office—the "untoward" battle of Navarino. That it was to some extent justified by the breach of faith on the part of Ibrahim Pasha must be admitted. It is equally certain, however, that the Russian admiral was only too glad to urge Sir Edward Codrington to seize the occasion of destroying the fleets of Turkey and Egypt, and thus effectually reducing the power of the Sultan to resist the future attacks and encroachments of the Czar.[5]

[5] The Duke of Clarence, who was made Lord High Admiral, soon proved his incompetence, and is said to have prompted Sir Edward Codrington to attack the Turkish fleet. When continued in his position under the Duke of Wellington's Cabinet, he gave such offence to Sir G. Cockburn, one of the Lords of the Admiralty, who in opposing his extravagant proposals, had spoken plainly against them, and was told by the duke that it

On the resignation of Lord Goderich and his colleagues the king, by the advice of Lord Lyndhurst, sent for the Duke of Wellington. The new Cabinet, he said, must contain persons holding both views on Catholic emancipation—a Protestant Government, and Catholic emancipation not a Cabinet question—a Protestant Lord-Lieutenant, Chancellor, and Secretary for Ireland. He approved of all his late and former servants, and gave the Duke a *carte blanche*, except as to Lord Grey. The Cabinet was constituted without delay, the majority of its members were favourable to Catholic emancipation, and Lord Eldon, to his intense disgust, was omitted. Though it was evident from its constitution that the old exclusive principles of former Governments were to be abandoned by the new ministry, and that its most eminent and efficient members, especially Peel, were fast sliding into Liberal views, it was attacked with bitterness by the opposition, and the appointment of a great general at its head was denounced as unconsti-

was the duty of the Lords to advise and not dictate. The quarrel got to such a height that the king had to write his brother a lecture (July 15, 1828), and the Duke had to be content with Sir George simply expressing his regret at having offended him, whilst refusing to withdraw his remonstrance, or to alter its language. When, however, in the following month, the Duke joined the squadron of Sir H. Blackwood in the "Royal Sovereign" yacht, flying the flag of Lord High Admiral without the royal orders, the king wrote to him, "If the Lord High Admiral cannot make up his mind to fill his station according to the laws of the country, it will be quite impossible for the king to retain him in his present position." Do we not trace the Duke of Wellington's terse style in these words? The Duke of Clarence resigned. He was the third and last Lord High Admiral since the Revolution.

tutional. The most clear sighted of the Liberal party failed to recognize the administrative powers of the Duke, upon whom they looked only as a successful general.

The liberality of the new Government was brought to a severe test without delay, when, in February, Lord John Russell moved for a committee of the whole House to consider the so-called Test and Corporation Acts of Charles II., by which the reception of the Sacrament of the Lord's Supper was made a prerequisite to the holding of any civil or military office or place of trust under the Crown. Though opposed by all the influence of the Government, it was carried by a substantial majority. Ministers, however, did not think themselves justified in abandoning the service of the Crown in consequence of their defeat, and were unwilling to commit the House of Lords to a conflict with the Commons on such a question. A compromise was therefore proposed by Peel, by which a declaration was substituted for the sacramental test, and carried through both Houses with but little opposition, both the archbishops and three of their brethren of the episcopal bench speaking in its favour. Lord Eldon was a true prophet when, in stoutly opposing the measure, he said that "Sooner or later, perhaps in this very year, certainly in the next, the concessions to the Dissenters must be followed by like concessions to the Catholics."

Yet another test of their Liberal views was forced on the Government by the proposal to transfer to Manchester and Birmingham the seats of the corrupt and disfranchised boroughs of Penryn and East

Retford. Eventually the case resolved itself into the transfer of that of East Retford. For this, in opposition to his colleagues, Huskisson voted with the minority. Though not intending to resign, as he professed, he wrote to the Duke, offering him the opportunity of placing the colonial secretaryship in other hands, to prevent the appearance of disunion in his Majesty's counsels. The Duke regarded it as an actual resignation, and acted on it. Huskisson protested that it was a mistake. "It is no mistake," said the Duke; and Sir George Murray was appointed in Huskisson's place. At once the friends of Canning, Lord Dudley, Lord Palmerston, Mr. Charles Grant, and Mr. Lamb resigned, and were succeeded by Lord Aberdeen, Sir Henry Hardinge, and Mr. Vesey Fitzgerald. By the last appointment the crisis was precipitated on the Catholic question. O'Connell was elected for Clare in his place, thanks to the energy of the Catholic association, and the agitation throughout Ireland which it had excited and matured. O'Connell cleverly did not attempt to claim his seat during the three weeks that elapsed between his election and the prorogation of Parliament. During that period and the six months for which Parliament was prorogued, he continued the agitation to which he owed his victory. The result was, that when Parliament met in January, 1829, the intention of the Government to attempt to adjust the claims of the Catholics formed the most important item in the Royal speech.

The success of O'Connell and the dangerous condition of Ireland had determined the Duke and Peel to face the difficulty of the Catholic question.

The opposition of the king, acting under the influence of his brother of Cumberland and of his "friend," as he always styled Lord Eldon, was their greatest difficulty. At last on the 8th of August, 1828, they obtained his permission to go into the question, guarded, however, with the understanding "that he pledged himself to nothing until he was in possession of the plan." To Peel he wrote that "his sentiments were those of his revered father, and that from them he could not and never would deviate." When it was proposed to send a sketch of the Bill to the bishops, he agreed only on its being done "under the authority of ministers, and not on his own recommendation." According to Mr. Greville, a most competent authority, the king was nearly mad on the question. When, at the commencement of 1829, a minute of the proposals was laid before him, he signed it, "still without pledging himself to the adoption or approval of the measures that might be proposed." He professed to consider it as pledging him only to the suppression of the Catholic association, the alteration of the franchise, and such preliminary arrangements relative to existing disabilities as might lead to a final settlement of the question." When he heard that it was intended to allow Catholics to hold judgeships and sit in Parliament, the king professed to be surprised; he disputed with all his wonted obstinacy over every word proposed to be inserted in his speech, and was only induced to yield on the condition, that any measure for the removal of the disabilities should be preceded by acts for suppressing the Catholic association and other illegal assemblies. The Duke of Cumberland

came from Berlin, to help those who were intriguing to stop the Bill, but his interference was defeated by the decision of the Duke, who recommended him to form another Government, and so end matters. At the last interview between the premier and the king, after five hours of discussion, in which the king talked of abdicating, the Duke prevailed, and the king professed himself "More satisfied with the Bill than anything he had seen." For a time the difficulty was surmounted and the speech agreed to.

Even when the speech had been made, and the Bill was about to be brought in, the king still threw every obstacle he could in the way, and it was not until after the Cabinet had resigned and the king had found that another Ministry was impracticable, that he gave way and "yielded his opinion to that which was considered by the Cabinet to be for the immediate interest of the country." At length on the 5th of March, the Catholic Relief Bill was introduced and carried on the 30th by a majority of 178 votes. On the 4th of April, on introducing the measure to the House of Lords, the Duke declared he had acted thus to avoid a civil war. "My Lords," he said, "I am one of those who have probably passed a longer period of my life engaged in war than most men, and principally, I may say, civil war; and I must say this—that if I could avoid, by any sacrifice whatever, even one month of civil war in the country to which I am attached, I would sacrifice my life to do it. I say there is nothing which destroys property and prosperity, and demoralizes character, to the degree civil war does; by it the hand of man is raised against his

neighbour, against his brother, and against his father; the servant betrays his master, and the whole scene ends in confusion and devastation. Yet, my Lords, this is the resource to which we must have looked—these are the means to which we must have applied, in order to have put an end to this state of things, if we had not made the option of bringing forward measures for which I hold myself responsible." Though no orator, this one sentence enforced conviction, and the Bill was carried in the House of Lords by the substantial majority of 104 votes.

Even after the Bill had passed, the king appeared unwilling to redeem his promise, and assent to it. It was nothing but acting. To old Lord Eldon, he pretended a well-feigned passion, talked as usual of abdicating, and of the Duke of Clarence succeeding him as a Catholic king, until his poor friend actually believed that he would, at the last moment, refuse his assent to the measure so hateful in Eldon's eyes. It was all acting. On the 13th of April the Royal assent was given, his last act of political importance.[6]

[6] The whole details of these miserable intrigues will be found in the later volumes of the Duke's letters, and Lord Stanhope's "Life of Peel," and the "Grenville Diary." The Duke confesses that he had "to use very peremptory language, which made the scene very painful" (interview of Feb. 27, 1828). The king, however, at last realized the necessity, and, after the usual flourish about abdicating, "in the end was kind and gracious, and kissed the Duke at parting." With the Duke of Cumberland the Duke assumed the high hand. When his Royal Highness wrote to him that "he would call on him, and tell his friends what might pass," the Duke, in reply, assured him that he had nothing to talk to him upon, respecting which he cared whether it was stated to the whole world. "I have no business to

The end was now rapidly approaching. For more than a year the king's constitution had been breaking up, and now his pitiable state could no longer be concealed from the public, despite the secrecy and seclusion of his life. On the 24th of May, 1830, a Bill was introduced to provide for affixing the sign manual in his presence and at his command. On the 26th of June he died. Knighton thought he might have lasted two or three days. As it was, his death at last was sudden, but painless. Thus passed away at no great age, "One of the cleverest and most accomplished men in Europe," "The most extraordinary compound" said the Duke, "of talent, wit, buffoonery, obstinacy and good feeling—in short a medley of the most opposite qualities with a great preponderance of good, that I ever saw in my life." "In him, as in Pope Clement VII., infinite insincerity was accompanied with a grace of manner, which regained confidence as rapidly as it was forfeited."[7]

transact except his Majesty's, and I do not care who knows it." On a previous occasion, at the commencement of his premiership, the Duke wrote, "Between the king and his brothers the government of the country has become a most heartrending concern. Nobody knows where he stands on any subject." But for the Duke's firmness Catholic emancipation would have been again put off, and a civil war desolated Ireland.

[7] "Froude's England, Henry VIII." chap. vii. p. 123.

CHAPTER VIII.

THE MANCHESTER RIOTERS, 1819. PETERLOO. TRIALS OF HUNT, SIR CHAS. WOLSELEY, HARRISON, AND OTHERS, 1820.

AT the commencement of 1819 ministers were so far satisfied with the effect of the measures they had taken for the repression of the rioters in the manufacturing counties, as to consent to the repeal of the Act by which the right to the writ of Habeas Corpus had been temporarily suspended. The result was that reform meetings were again openly held in the provinces, and increased importance given to this question. At these meetings Hunt was the leading orator, supported not only by his usual companions, but in the vicinity of Birmingham by Sir Charles Wolseley, a landowner of old family and influential position in the county of Stafford. When, early in January, the authorities of Manchester refused to summon a public meeting to petition Parliament for the repeal of the Corn Bill, notice was posted of a meeting for the 18th of the month, to be held whether the authorities pleased or not, at which Hunt was

invited to attend. On his arrival at Manchester he was hissed at the theatre, and on his proposing to go there on another night, protected by a body-guard prepared by Bamford, the play was put off and Hunt driven to addressing the crowd from the box of his carriage. When, however, the proposed meeting was held, he was met by a mass of workpeople with flags with the inscriptions, "Hunt and Liberty," "Universal Suffrage," "Rights of Man," as well as "No Corn Laws." At the meeting, which, not being interfered with, passed off peaceably, the idea of any further recourse to petitions was scouted, "as Parliament," it was said, "when last assembled had kicked their prayer and petition out of doors," and they were called on "to come forward as men and Englishmen and claim their rights." Instead of a petition, a remonstrance to the Regent was then unanimously adopted. Following the cue thus given them, at a meeting in June at Hunslet Moor, near Leeds (at which more than thirty thousand distressed operatives attended), at Ashton-under-Lyme, and at Glasgow, though the leaders counselled peaceable conduct, inflammatory speeches were freely made. Excessive taxation, place-holders, and pensioners, the usurpation of the rich over the poor were denounced, and universal suffrage and annual parliaments demanded as the immediate and only remedy. A general communication between the scattered Radicals was proposed to be at once established, and at a meeting at Stockport it was gravely considered whether the people had the right of destroying the bank. A female Reformers' Club was established at Blackburn,

and attended a reform meeting with a flag of liberty. Low wages, combined with want of employment and general distress, added to the excitement and extended the feeling to Lancaster, Cheshire, Nottinghamshire, Leicester, and especially to Birmingham. To meet the refusal of parliamentary reform by Parliament, it was determined to assert the right of electing representatives without waiting for its action, and no time was lost in carrying out this proposal. On the 12th of July a mass meeting was held at Birmingham to elect "a legislatorial attorney and representative" in the person of Sir Charles Wolseley, and a similar resolution passed at Leeds, so soon as a fit person should be found willing to occupy the dangerous position. For seditious speeches at the Stockport meeting, Sir C. Wolseley and a dissenting preacher of the name of Harrison were arrested, tried, and punished, and a proclamation issued denouncing these meetings as illegal, and warning all persons of the danger of attending them. To these warnings the promoters of these assemblies paid little heed, and a meeting was summoned for the 16th of August, in St. Peter's Field in Manchester, the details and sad results of which are described in the following trial.

To this rendezvous, from early dawn until past midday, bodies of men, all more or less marching in military order, were moving in from the country round, with flags on which were the well-known war-cries, "No Corn Laws," "Annual Parliaments," "Vote by Ballot," "Universal Suffrage," and on one the significant inscription, "God armeth the patriot." Hunt presided, supported by Carlisle, the notorious

atheistic printer and writer, and other Radicals, and from the platform looked down on a mass such as had never before been gathered. What followed will be described hereafter. Whether by the misconduct of the military or of the mob, the result was pitiable. Some six persons certainly lost their lives, and at least seventy more were more or less severely wounded. Hunt and his leading companions were arrested, and tried for sedition, the charge of high treason being dropped, and suffered various punishments for their conduct at the meeting.

A widespread feeling of indignation arose throughout the country at the conduct of the magistrates and the military, increased by the impolitic thanks given to them by the Regent before time had been allowed to discover the truth of the contradictory statements which were made of the sad events. Even the Cabinet felt that the authorities were to blame, though it determined to support them, though some, if not all, of its members by no means agreed with the prince in expressing "his great satisfaction at their prompt, decisive, and efficient measures for the preservation of public tranquillity." When Hunt was released on bail from Lancaster gaol, he was met by an enormous procession which accompanied him to Manchester. At numerous meetings to pass resolutions condemnatory of the magistrates and the military, the speakers appeared in deep mourning, the flags were covered with crape, and on one was seen the picture of a soldier cutting down a woman, with the motto "Vengeance" inscribed beneath it. At Birmingham a funeral procession in memory of

those who had fallen was largely attended. At Paisley a condemnatory meeting being interrupted by the authorities, ended in a serious riot, continuing for several days, during which houses were gutted, persons severely beaten and robbed, and only quelled by the cavalry from Glasgow. Subscriptions were opened in London and Manchester to meet the legal expenses to be incurred in obtaining redress and relieving the sufferers in the Peterloo riot. Bills were sent before the Grand Jury of Manchester against members of the yeomanry for cutting and maiming with intent to kill; and when these were all ignored, an action for damages was commenced by one of the sufferers against the same parties.

The Common Council of London eagerly joined the agitation, and by a majority of nearly two to one passed resolutions of strong condemnation. The meeting, said the resolution, "was legal, peaceably conducted, and therefore acting under the sanction of the laws, and entitled to the protection of the magistrates—that when no act of riot or tumult had taken place the magistrates issued their warrants for the arrest of certain persons present, and though no resistance was offered, called in the aid of the military, and without any previous warning, the Manchester Yeomanry suddenly rushed forward, through the multitude, furiously attacking peaceable and unoffending citizens, whereby great numbers of women and children and even peace officers were indiscriminately and wantonly ridden over, and many inhumanly sabred and killed." In another resolution they expressed their opinion that "The Prince

Regent never could have been induced to express his approval of the abettors and perpetrators of those atrocities, had not his royal confidence been abused by interested and misrepresented statements of these fatal and illegal transactions." Finally they prayed for a searching inquiry into the events of the day, a step which in justice to the authorities and the military, if for no other reason, ministers ought to have taken, and which was in vain urged upon them by the Commander-in-Chief.[1]

Determined not to yield to this just demand, ministers, through the Regent, treated the resolutions with contempt. In his reply to the address, the Regent was allowed to express his regret at its nature, and to declare that "in such times those who firmly discharge their duty in preserving public tranquillity have the strongest claims on the support and approbation of their sovereign and their country." He declared the addressers to be ignorant of the circumstances preceding and attending the meeting, and refused inquiry on the ground that "The public tribunals were open to those who could claim redress for the violation of the laws."

Almost all the great cities and towns had their meeting, and the people of the metropolis were only prevented from doing so by the Lord Mayor refusing to summon a common hall of the citizens. With the same object in Yorkshire a numerously signed requisition of noblemen and freeholders, including such men of note and influence as the Duke of Norfolk and Lord Fitzwilliam, the Lord-Lieutenant of the West

[1] See the Duke of York's letter, quoted p. 34.

Riding was presented to the high sheriff, and nearly 20,000 persons attended the meeting. The only result was that Lord Fitzwilliam was removed from his honourable post, to the disgust of the best friends of the Government. In Parliament motions for inquiry were made, but defeated by the compact majority which the Cabinet could then command.[2]

At the Peterloo meeting it was noted how column after column marched in from the country districts in fair military order, and took up their respective positions with much of the precision of soldiers. For the preparatory drills by which this was ensured, Bamford gives a plausible excuse. "We had frequently been taunted," he writes, "by the press with our ragged, dirty appearance at these assemblies, the confusion of our proceedings and the mob-like crowds in which we mustered; and we determined that we would disarm the bitterness of our political opponents

[2] At one of these debates Scarlett used the following violent language:—"The people meet to petition. The magistrates issue a warrant to arrest certain individuals, and that being executed, the yeomanry disperse the crowd at the edge of the sword. Three days afterwards the thanks of the Prince Regent were given, both to the civil and military authorities; and what was the unavoidable inference, but that opinions, however absurd or preposterous, were to be put down by the bayonet, and that ministers intend to act on a system of military coercion." Hunt, who was very bitter at Scarlett being the prosecuting counsel, on his citing speeches of Hunt from the *Manchester Observer*, wished to cite this of Scarlett's, in order to ask a witness whether he thought such a speech likely to incite to violence. Judge Bayley admitted his right, but, as a matter of delicacy, wished the question not put, and Hunt thereupon waived it.

by a display of cleanliness, sobriety, and decorum such as had never before been exhibited. 'Cleanliness,' 'Sobriety,' 'Order,' were the first injunctions issued by the committees, to which 'Peace' was added by the advice of Hunt. Order in our movements was obtained by drilling, and peace on our parts was secured by the prohibition of all weapons of offence or defence, and the strictest discipline of silence, steadiness, and obedience to the directions of the conductors. Thus our arrangements, by constant practice and an alert willingness, were soon rendered perfect, and 10,000 men moved with the regularity of ten score." These drillings may have seemed such to Bamford, himself a man of peace and desirous of obtaining the political objects in which he sincerely believed, by constitutional means alone. Yet even he is obliged to allow that "Some acts and some speeches better let alone did take place." He endeavours to account for the "Firing Drill" which was sworn to, by the feeble excuse that when the men clapped their hands as they stood at ease, some may have jokingly said it was firing, and that "The observers took the joke as a reality, and surmised that they had arms, and that their drillings were only prefatory to their more effective use."[3] The authorities naturally took a very different view of this drilling, and ridiculed the idea of its being required for the professed purpose of ensuring better order at the meeting. In their opinion "a more alarming object was palpable, and it was impossible not to feel

[3] "Some Passages in the Life of a Radical," vol. i. p. 177, *et seq.*

a moral conviction that insurrection was the ulterior object."[4]

Had all the leaders been Bamfords, little harm would have resulted from these drillings. As the head of the men of Middleton he acted thoroughly up to his peace principles. When this column was mustered with that of Rochdale, 6000 strong, it marched, preceded by young men, each bearing a branch of laurel; then the older men in fives, then the colours, a blue one with the inscription, "Unity and Strength, Liberty and Fraternity, Annual Parliaments," a green one inscribed "Suffrage Universal," and between them a crimson velvet cap braided with "Libertas" and ornamented with a sprig of laurel, then the rest of the men in fives. "At the sound of a bugle," he adds, "three thousand formed a hollow square and were charged by him to be orderly, and if the peace officers came to arrest him or any other person, not to offer resistance, but to suffer them to execute their duty peaceably. They were to carry neither weapons nor sticks in the ranks. On this many sticks were thrown away, and only kept by the old men. At the head of the column walked 200 women, chiefly young wives."[5]

With this well-ordered column Bamford started for Manchester, and soon met with evidence that the objects of other of the leaders were far from peaceable. The first column which he joined, that of Lees and Sadleworth, headed by a quack doctor of the name of

[4] Norris to Lord Sidmouth, Aug. 12th, 1819.

[5] In these statements Bamford was confirmed by William Morris, one of the witnesses for the prosecution.

Healey, "bore a pitch-black flag with staring white letters on it forming the words Equal Representation or Death—Love, with a heart and two hands joined, the most sepulchral looking objects that could be conceived."[8] Other flags and emblems of a like character were brought on to the field indicating very different opinions to those professedly held by the Middleton people.

Though from Bamford's position in the huge crowd, his view of the occurrences of that day was necessarily limited, as his account of what he saw can be relied on, it is well worth extracting.

"On arriving at the hustings to which the colours had been just handed, I found them occupied by strangers who would not leave, so removed them and the band to the centre of their body." On the arrival of Hunt, and his being voted to the chair, "with a friend I left, thinking that there would be nothing new in the speeches, and had got nearly outside the crowd when I saw cavalry in blue and gold trot round the corner of a garden wall, and then rein up. They were received with a shout of goodwill, as I understood it. They started again, waving their sabres over their heads; and then slackening rein, and striking spurs into their horses, they dashed forward,

[8] Bamford, vol. i. p. 203. On this flag, according to Scarlett's opening speech, was a bloody dagger, to which he called attention as a sign of the most deadly intentions of the column by which it was borne. Not only was this emblem not seen by any of his own witnesses, but from the evidence of Burns, who was called by the defendants, the only dagger-like thing about the flag was the fleur-de-lis on the head of the pole, which he was ordered to paint yellow; but, being out of paint of that colour, painted it red. Hunt, in his speeches, made a great point of this; and Scarlett, in his reply, admitted that his evidence did not support his statement.

and began cutting the people. 'Stand fast!' I said. 'They are riding upon us, stand fast!' The cavalry were in confusion; they evidently could not, with all the weight of man and horse, penetrate that compact mass of human beings; and then sabres were plied to hew a way through naked held-up hands and defenceless heads. And then chopped limbs and gaping wounds were seen, and groans and cries were mingled with horrid confusion. By this time Hunt and his companions had gone. The cavalry making repeated charges, in ten minutes the field was deserted. The whole place was strewn with caps, bonnets, hats, shawls, and shoes, and the cavalry had dismounted, and were wiping their sabres. Several mounds of human beings still remained where they had fallen, crushed down and smothered—some still groaning; others with staring eyes were gasping for breath; others would breathe no more. Of the Middleton column eleven men were injured, of whom one died, and five women and twenty-six men were arrested."[7]

Many years afterwards Sir William Jolliffe, at the time a lieutenant in the 15th Hussars, and Mr. Smythe (brother of the well-known Professor Smythe), then a captain in the Manchester troop of Yeomanry, gave the following account of the fatal day. After detailing the military forces kept in readiness, and their positions at the different outlets of the field, Sir William wrote,—

"Lastly, there was a troop of Manchester Yeomanry Cavalry, consisting of about forty members, who, from the manner in which they were made use of (to say the least) greatly aggravated the disasters of the day. Their ranks were chiefly filled by wealthy master manufacturers, without the knowledge which would have been possessed by a (strictly speaking) military body; they were placed most unwisely, as it appeared, under the immediate command and orders of the civil authorities." According to Captain Smythe "they were

[7] Bamford, vol. i. p. 208.

brought up at a walk, attempted to advance in twos, but the horses being unsteady, and the people getting between the files, they were immediately separated, and several unhorsed." "They were," adds Sir William, "in the power of those whom they were designed to overawe, and it only required a glance to discover their helpless position, and the necessity for our being brought up to their rescue." The yeomanry and infantry stationed at the four corners of the field "opened to allow the multitude to escape. The hussars drove the people with the flat of their swords, but sometimes, as is always inevitably the case when placed in such situations, with the edge. The greater amount of injuries were from the pressure of the routed multitude." [8]

According to Captain Smythe, "Clubs, brickbats, and large stones were found on the field, which had been carefully cleared before the meeting, little in accordance with the professed intentions of the assembly. Nor were they so entirely devoid of arms as Bamford wished."

"My troop," writes Smythe, "were at a corner next a cluster of unfinished houses, on the roof of which two or three men had placed themselves, with a gun. The fellow who held it was seen to retire behind the chimney and load, and then come forward to fire. My attention was called to him by the farrier of my troop, who said he had seen him fire more than once. He was seen by the 88th from the other side of the street, who fired, and cleared the roof. When my corps was called out on a fresh alarm, it was found that the mob had secretly locked up several of the men and horses in the different billets, and it was necessary to send round a serjeant's party to liberate them."

[8] Letter from Sir William Jolliffe to Dean Pellew, quoted in the Dean's "Life of Lord Sidmouth," with Captain Smythe's notes.

At the trial which is now to be reported no evidence was allowed to be given of the conduct of the authorities and the soldiers at the meeting, the case being limited to that of the meeting itself.[9] The indictment charged Hunt and the other defendants with conspiring to alter the legal frame and constitution by force of arms, and with meeting tumultuously at Manchester on the 16th of August, 1819, to the number of 60,000, armed with sticks and other offensive weapons. There were, of course, several counts varying the offence, but all in substance implicating the defendants in a conspiracy against the State. At the trial at York, on the 16th of March, 1820, before Mr. Justice Bayley and a special jury, Mr. Scarlett lead for the prosecution, Mr. Barrow defended Moorhouse and Jones, and Mr. Holt appeared for Saxton. The rest conducted their own defence. As in previous cases, the opening address for the prosecution is omitted, and the evidence left to tell its own story.[1]

"John Chadwick, a shoemaker at Manchester," said, "that, he went on the 9th to meet Hunt at Hardwick Green. Hunt and Johnson were in a gig, and there was a chaise with Sir C. Wolseley, Parson Harrison, and Mr. Monkhouse, and about 300 people coming in with them. Opposite St. Michael's Church,

[9] The indictment included Henry Hunt, Jos. Johnson, *J. T. Saxton*, S. Bamford, Jos Healey, *James Moorhouse*, *Robert Jones*, *G. Swift*, and *Robert Wylde*. Of these, those whose names are printed in italics were acquitted.

[1] The evidence is condensed from the Reports in the *Times*, the *Annual Register* of 1820, and that published by Dolby in 1820 in one volume, in which the cross-examination is given in detail.

Hunt told the people to come on one side and he would tell them his errand to Manchester. He had come as far as Coventry, where he saw the *Courier* newspaper, which stated that the Manchester magistrates had put down the Reformers at Manchester, and that he (Hunt) would be afraid to show his face, as they would make him smell gunpowder. Afterwards he said he had seen the proclamation at Bullocksmithy, and such a proclamaion never came from a shopboard of tailors. He also said he would have the *Courier* know that he was not afraid of gunpowder. He then turned to the Stockport people, and said he hoped to see them on the 16th, and that they would bring as many of their friends and neighbours as they could with them."

The witness then spoke to the drilling at White Moss some five miles from Manchester, where he went before daylight on the 15th, as he said out of curiosity, as the drilling was well known.

"There was a great number, about 200 or 300 at first, but they kept increasing all the morning. They came from different roads, and fell in ranks like soldiers when the horn was blown. This was about daylight. Witness fell in too. The people fell into companies belonging to the towns they came from. Every company had a person to command it. They then marched about the field for two hours, and when the word was given to fire, they clapped their hands. The words, 'Make ready, present, fire!' were given as if they had guns, and at the word 'fire' they clapped their hands. They afterwards fell into a large body, and made the spectators fall in also. He was at the meeting on the 16th, where the first man he saw was one he had seen at White Moss. Saw Hunt, Johnson, and Carlisle come to the meeting in an open chaise. Some of the people walked in ranks near it, but the rest irregularly. Opposite Murray's house" (the next witness) "they hissed hard. There was a woman on the coach with the coachman." On cross-examination he admitted that at the drilling they did not raise their arms in the attitude of firing, and it was false that the people marched by with Hunt in a riotous manner. He

saw neither swords, pistols, nor bludgeons, and admitted that the people stood peaceably in St. Peter's field till the cavalry came.

James Murray, a special constable, who was cruelly beaten by one of the drill parties, gave important evidence of the character of these meetings; in which he was confirmed by Shawcross, a clerk in the Manchester police office, who accompanied him to White Moss on the night of the 14th.

"We," said Murray, "left Manchester on purpose to go to White Moss, and reached it by daylight. Hearing some persons near us shouting and holloaing, we lay down to prevent our being seen. We then got to the Moss, where the men were drilling. There might be 600 or 800 of them. They were in squads, and there was a drill serjeant at the head or end of every squad. They were marching when I came up. I heard the words 'march,' 'wheel,' 'halt.' It appeared like a camp, and the men obeyed the orders given them. I remember the words 'eyes right,' 'dress,' and 'forward.' The first words said to me were by a drill serjeant, who bid me fall in. I knew the man; his name was Caterall. I said I thought I would fall in soon. The different serjeants began to shift their squads and look steadfastly. I did not like his looks, and thought of shifting my ground, when I heard the cry of 'Spy.' It ran along the lines, and I heard the words, 'Mill them!' 'd—n them!' 'mill them!' and then I heard a cry of 'They are constables;' and the answer to that was 'D—n them! kill them!' I moved off, and so did Shawcross, and we were followed by eighty or ninety men. They overtook Shawcross, and knocked him into the ditch. From twenty to thirty followed, and overtook me. They began to beat me with sticks, and kicked me most violently with their clogs. I desired them to give over, that that did not look like a reform of Parliament. 'It was,' I said, 'very different treatment from that received by prisoners of war.' They asked me how we would treat them if we took them prisoners in Manchester. I said we would treat them as

prisoners, and not murder them. They continued beating me; and one said, 'Shall we kill him out and out, and put him in the pit, or let him go?' A young man said, 'He has had enough;' another, 'If he has any more he'll die.' They then desisted, and held a consultation, after which one of them asked me if I would go down on my knees and never be a king's man again, and never name the king any more. I said 'yes,' as I considered my life in danger. I fell on my knees; the words I now mention were proposed to me, and I repeated them, and they let me go. I was next day removed to Manchester, where I was confined to my bed. On the next day, the 16th, I heard the sound of bugles, and on being removed to the window I heard the cry of 'Halt,' the crowd then halted. I looked out, and saw the streets filled with people. Those in the centre were in ranks about six abreast. The bugle then sounded, and I heard the word 'march,' and the party moved, and began to hiss very loud. Many of them had sticks. Those who marched in line amounted to between 5000 or 6000 men. Besides these were a large crowd of men and women."[2]

Heywood, another witness, saw the drilling on the Sunday morning, the 15th; while there a man came up to him, and said, "Here's another spy," and then they beat him with sticks as fast as they could. Next day he saw the same body of men marching from Middleton to Manchester with flags and a cap of

[2] In cross-examination by Hunt, Murray, whilst denying that he had said "he would rather be rowed to his house in a boat in the blood of the Reformers than walk on the pavement," admitted saying "that if it came to an action he would fight up to his knees in blood rather than give in to the Reformers." He also denied saying to a Mr. Chapman, in the coach from Manchester to Liverpool, "that if he had been in command of the troops on the 16th of August he would have put every rascal to death," and that "he would not believe a Reformer on his oath." Chapman was not called by the defendants to contradict him.

liberty; as they came along they threatened to "give him what they gave him short the day before, if he followed them." That this cowardly attack on Murray was premeditated is clear from Bamford's admission, and shows that, however peaceable his intentions were in encouraging drilling, the bulk of the parties had very different ones. If all this drilling was really only to ensure order and peace in their assemblies, they would not have dreaded being seen by any one, constable or not.

To Bamford's peaceful intentions, a witness of the name of Morris gave confirmatory evidence. He saw the square formed of the Middleton men, as Bamford relates, and heard him address them thus: "Friends and neighbours, I have a few words to relate. You will march off this place quietly and not insult any one, but rather take an insult. I do not think there will be any disturbance, or any to-do. If there is, it will be after we come back. There is no fear the day is our own." He also, as did the next witness, Eaton, confirmed Bamford's statement that the Middleton men had only small switches or sticks; that many women and children were mixed up with them; and that Bamford before they marched distributed bits of laurel to them, which they put either in their breasts or hats.[3]

Other witnesses spoke to the march of the other column, of which Healey was the leader, in regular military order, and to the numbers and apparent discipline of the vast crowds that came pouring into

[3] Hunt, as Bamford complains, foolishly tried to throw discredit on this witness, who was really in their favour.

the town, until the whole space of St. Peter's Field, six or eight acres in extent, was covered with them. According to one witness, Roger Entwhistle, an attorney at Manchester, the Stockport column came into the town "like regular soldiers, with banners and caps of liberty. Several among them appeared to have command of different parties, and moved about a yard from the rest, at the side of the front ranks. They had very large sticks, some walking with them, and others bearing them on their shoulders. One of the men as he marched by the witness said he would have as good a coat on his back before night as the witness had." This witness saw Hunt and his party take their place on the hustings, and heard the commencement of his speech congratulating the meeting on their numbers; and swore that when, after a short interval, some infantry made a movement on the outskirts of the crowd, Hunt immediately pointed to them and said, "Your enemies are amongst you; if they attempt to molest you, get them down, and while you have them down, keep them down." Soon after, the Manchester cavalry came to the front of Mr. Buxton's house, and the witness thought it safest to retire.[4]

A less violent character was given to Hunt's speech by Cooper, who went purposely to take notes for the London papers, which he produced and read.

[4] In reply to Hunt the witness said, "My own opinion is, that when you said, 'keep them down,' you alluded to the military, and wished not to be molested, but that, if you were, the people were to keep them off, if possible. The people were peaceable when you addressed them."

"Gentlemen," he reported Hunt as saying, "I must entreat you will be peaceable and quiet, and that every one who wishes to hear must keep order; and all I ask for is that during the proceedings you will be quiet. We will endeavour to make ourselves heard, but it is impossible for us to be heard by the whole. We wish our fellow-countrymen will communicate to those who do not. It is useless to observe upon the intended meeting of last week, only to observe that those who, by their malignant exertions, in taking advantage of a few illegal words, expected they had triumphed, instead of which it had produced twofold numbers, and now we have triumphed." He went on to state that two or three placards, signed by two or three individuals—while he was saying this some companies of foot soldiers appeared in Dickenson Street, and formed. "Mr. Hunt then spoke on, but I did not take notes any further, and I shall give the substance from memory. Hunt said, 'Never mind, they are only a few soldiers, and very few compared with us, we are a host against them.'" He admitted, on cross-examination, that he did not hear Hunt say, "put them down, keep them down;" and that his fears for the result of the meeting did not arise from what he saw, but from previous circumstances and communications made to him, and that there was no bloody dagger on the black flag.

Another reporter[5] for a London paper gave another version.

"Hunt," he said, "addressed the meeting in front, and requested them to be quiet, and not to interrupt by calling silence, as that made more noise than anything. This was in front, and I was at the back of the hustings at that time. Hunt turned round, and said something to the same effect at the other side, and added, 'If any one attempts to destroy our tranquillity, I hope some persons will be found with courage enough to put them down, quiet them, and keep them down.' A man behind me said, 'Why, that's killing them;' but this

[5] Henry Horton, who attended to take notes for a London paper, the *New Times*.

was in a low tone, and could not be heard. Hunt was interrupted by the appearance of cavalry. This created some confusion, and Hunt then said, 'Stand firm, my friends; they are in disorder already. Let us give them three cheers.' The soldiers then came on, and took the men on the hustings."

This witness also spoke to the exhortations of Jones and Swift to keep the peace. The former told them that by the Committee's order they were to form round the hustings at six yards' distance, and lock themselves arm-in-arm, that they might not be broken into. Swift also exhorted them to be peaceable till their chairman came, and not give their enemies an opportunity of exercising that power which he knew they were ready to do. "Let us prove," he said, "that we are not mad, as they say; but if we are mad, it is the most pleasant insensibility I ever experienced in my life." He admitted also that what Entwhistle had sworn to, of Hunt pointing to the soldiers, and calling on the people to put them down, was not correct, so far as he heard.

To speak to the incidents of the meeting, only one witness was called on the part of the prosecution—Mr. Hutton, the chairman of the bench of magistrates assembled on that day at the house of Mr. Buxton overlooking the scene of the meeting.

"The magistrates," said the witness, "assembled between ten and eleven o'clock, and received information on oath relative to the approach of large bodies of people. As chairman much of my time was taken up in writing, but I frequently looked out of the window and saw large bodies of men approach. They were apparently divided into sections, and had persons walking at the side, who from time to time seemed to give the word of command. They did not march straight to the hustings, but wheeled when they received the word of command. The persons in command went up to the hustings and deposited their colours. They were regularly received with loud huzzas. The men appeared to me beautifully exact in coming up to the hustings, but I could not mark their motions afterwards. I observed the division which escorted Mr. Hunt; he was in a

carriage in which were Johnson, Moorhouse, and Carlisle. The extraordinary noise which arose, on the approach of Hunt, made me walk to the window and mark what was going forward. The hustings had been moved in the course of the morning (this I knew, because it had been the desire of the magistrates to form a line of constables from the hustings to the house where we sat); but I observed that a number of men had rushed in, locked their arms together, and surrounded the hustings. The numbers were estimated at 80,000, and the meeting inspired great terror in the minds of the inhabitants. The magistrates deemed it necessary to issue warrants for the arrest of the supposed leaders, which were handed to Nadin, who said, on receiving them, 'that he could not execute them without military aid.' I then wrote to the commander of the Manchester Yeomanry, and Colonel L'Estrange, to come to us, which they did. A troop of yeomanry soon arrived from Morley Street end. The troops came up at a quick pace, and formed in line under the house. The moment they appeared a tremendous shout arose from the crowd. They groaned and hissed, and those men who had sticks shook them in the air. I saw these sticks lifted up in a menacing manner. I had a full view of the whole. I can positively swear I saw the sticks flourished, and I even heard the expressions of some of the people who were near the military. Whilst the cavalry were forming, some of those persons who were nearest to them turned, and advanced towards them. After the mob had set up this shout, the cavalry waved their swords. They then advanced, and I believe the borough reeve was with them." (The witness then explained "why Colonel L'Estrange's troops and the yeomanry were unable to advance together as he expected, and that afterwards the colonel brought up two troops of the 15th Hussars, and two troops of Cheshire Yeomanry.") "When the yeomanry and the constables approached the hustings, I saw stones and brickbats flying in all directions. I saw what appeared to me a general resistance. In short, when Colonel L'Estrange arrived with his troops I conceived the Manchester Yeomanry completely beaten. The crowd closed the moment the yeomanry had entered, and when Colonel L'Estrange asked what he was to do, convinced of their danger, I said, 'Good God, sir! do you not see how they are attacking the

yeomanry? Disperse the crowd.' He advanced; the dispersion of the crowd took place."

On cross-examination Mr. Hutton said, "that though the window from which he looked was 300 or 400 yards from the hustings he could see that the men surrounding them had their arms locked, that the cavalry were not galloping, but trotting, and that the people closed in behind them, cutting them off in order to pull them off their horses and injure them. He did not say that the missiles were levelled at the yeomanry, but in defiance of them. He and a brother magistrate tried to get into the crowd after the yeomanry had advanced, and were repulsed, but neither he nor any of his brother magistrates attempted to persuade the crowd to disperse. He never heard till then that on the previous Saturday Hunt had offered to surrender if there was a warrant against him."[6]

Contrast this evidence with that given by two most capable and independent witnesses for the defendants, Mr. Tyas the reporter for the *Times*, and Mr. Edward Baines. After detailing the gathering of the crowd in an orderly manner, and denying that the column escorting Hunt had long sticks on their shoulders fitted for pike-staves, Tyas declared that he did not see any act committed by any parties which excited in his mind apprehension for the safety of the town. There was hissing and hooting opposite the police office.

"The cavalry advanced, as far as I could judge, at a quick trot, and formed near Mr. Buxton's house. Hunt, as I collect from my notes, ordered the people to give three cheers. The cavalry advanced, and Hunt told the people it was a trick to

[6] According to the evidence of the Rev. E. Stanley, on the trial of Redford *v.* Burley and others, the Riot Act was read by a clerical magistrate from the window of Buxton's house, but probably not heard by the crowd.

disturb them, and he trusted they would stand firm. He had scarcely said this when the Manchester Yeomanry rode into the mob, who opened for them in the most peaceable manner. The cavalry directed their course to the hustings, and when they arrived there took a number of persons into custody. I recollect an officer went up to Hunt with his sword in his hand, and desired him to surrender. He said he would not to a military officer, but if any civil officer came up he would surrender. Nadin then came, as it appeared to me, from under the waggon, and Hunt immediately surrendered, after first desiring the people to be quiet. I saw no sticks flourished by the people as the cavalry approached. Had there been, I must have seen it. I saw special constables using their staves. They beat the people with them, and of course raised them in the air. When the military appeared there certainly did seem a disposition in the crowd to run away. On Hunt's arrest the people were flying in all directions. I was struck at myself twice.

In this evidence Tyas was entirely confirmed by Mr. Baines, who was apparently able to take a full report of Hunt's speech, in which, according to his notes, there was nothing inflammatory. "The cavalry, after halting about three minutes," he said, "brandished their swords and advanced, and he saw no attempt to resist them, nor hear any encouragement given to do so; saw no stones or brickbats thrown, nor any sticks lifted against them, and heard nothing from Hunt after the words 'Be firm,' but these 'Give three cheers,' which were repeated as well as the words 'Be firm.'"[7]

[7] Mr. Baines, who, besides taking notes on the spot, wrote out his full account within a few hours afterwards, said Hunt, at the commencement of his speech, called on them to put down any one who tried to create a disturbance, and perceived no difference in the manner of the people from that usual at public

As the court held that the only question then before it was the legality of the meeting, and that, though the defendants were entitled to elicit any evidence showing the peaceable conduct of the parties assembled, they were not entitled to bring before the jury the conduct of the military, on this trial, nothing was proved under this head. Of the fifty-six witnesses called on the part of the defence, the great majority of whom were persons of position, independence, and education, and from their places in or near the crowd capable of seeing all that passed, every one concurred in the peaceable conduct of the great mass, of their not offering any resistance to the yeomanry on their way to the hustings, and of the absence of those missiles which Mr. Hutton swore to seeing flying in the air when the military advanced. None of them saw any cause for alarm, monstrous as was the gathering—that business went on in Manchester without alarm, and that, if any resistance was offered it was only that due to the density of the crowd. Judge Bayley, after about half of their witnesses had been examined, stated that he must tell the jury that there was no evidence from Nadin, the police-officer, to justify the employment of the

meetings. Some of the defendants' witnesses were decidedly opponents of the Radical Reformers. In the subsequent action for damages for assault by the yeomanry, Redford *v.* Burley the peaceable behaviour of the meeting until the arrival of the yeomanry was testified to by the Rev. E. Stanley, the late Bishop of Norwich, who, at that time, was rector of the family living of Alderley, not far from Manchester, and was in the room with the magistrates at Buxton's house.

yeomanry to support the civil power in the execution of the warrant.[8]

In his reply, Scarlett withdrew the case against Saxton, who was present only as a reporter, and admitted the peaceable intentions and conduct of Bamford, but pressed for judgment against the rest of the defendants. The judge's charge was a model of fairness, leaning rather to the side of the defendants, recommending the jury to disabuse their minds of the idea that Hunt had pointed to the soldiers as "these are your enemies," and attributing the stone-throwing and stick-brandishing spoken of by Hutton, to the difficulty he must have had in seeing what really occurred at the distance at which he was from the scene of action. He also laid great stress on the evidence produced by the defendants of the peaceable nature of the meeting until the cavalry appeared, and to the absence of any immediate fear on their part

[8] One of these witnesses, Mr. John Brattargh, a wharfinger of Pendleton, saw the affair from a house within thirty yards of the hustings, and confirmed those who had stated that "God save the King," "Rule, Britannia," and other loyal tunes, were played and well received, and that when the former was played all the people except the constables took off their hats. The presence of women and children at the meeting was at last, after repeated evidence had been given, not further contested; and it was further proved that many of these moved about without fear in the enormous crowd, though one of them, Moorhouse's wife, was expecting her confinement. Nadin, who was in York, was not called by the prosecution, and no reason for his absence was offered. The reason assigned by Scarlett for only calling Mr. Hutton out of the number of magistrates present in court, was the ruling of the judge that the conduct of the authorities was not in issue in the case.

among the tradesmen of Manchester. After citing Serjeant Hawkins' well-known definition of an illegal meeting,[9] he told the jury that mere numbers did not make a meeting illegal. That "a number of persons might meet under such circumstances as were not calculated to raise terrors, fears, or jealousies in the minds of the people of the neighbourhood. But in an assembly so constituted and met for a perfectly legal purpose, if any individuals introduced themselves illegally in order to give to that meeting an undue direction, which would produce terror, then they would be guilty—he was not prepared to say that the appearance of immediate danger was necessary to constitute this offence, and if from the peaceable demeanour of the people at the time, and the association of women and children on the ground, the meeting was not sufficient to produce the feeling of immediate danger, he recommended the jury to find a special verdict to that effect. To support the charge of conspiracy they must be certain that they were not only seeking the same end independently, but were acting in pursuance of one common design with the privity of all, and if they thought, that, what had occurred, could not have occurred without previous concert and combination of the accused parties, it was sufficient." Of Bamford, the judge spoke most kindly, giving him full credit for his own good inten-

[9] "That a great number of people meeting under such circumstances as cannot but endanger the public peace, and raise fears and jealousies among the king's subjects, is an unlawful assembly, as no one can foresee what may be the event of such an assembly."—Hawkins' "Pleas of the Crown."

tions, and of the peaceable conduct of his own party, and as to the inscriptions on the flags, he said, if they admitted of a reasonable and legal interpretation, the jury might so find. On the resolutions passed at the Spa Fields meeting of the 21st of July he spoke in strong terms, and assumed that as no resolutions appeared to have been prepared for this meeting, it was intended to move the Spa Fields ones, which were clearly such as might lead to violence. He held the chairman of that meeting responsible for the resolutions, though, as Hunt urged, they were handed up to him, previously prepared by others, and proposed and carried *en masse*.[1]

At a quarter-past twelve the jury retired, and did not return until about five o'clock when they handed in the following verdict: — "Moorhouse,

[1] The resolutions at this meeting were—(1) That every man in the British dominions is a free man; (2) That it was expedient to provide a code of laws; (3) That every one in the kingdom had a right to a voice in making those laws; (4) That every man should pay his proportion of taxes; (5) That the House of Commons is not formed as it ought to be; (6) That after the 1st of January, 1820, no man was bound in equity to obey any act of the House of Commons, unless it was chosen by a large proportion of the people; (7) That books should be opened in every parish for the purpose of enrolling the names of all those men who were of sound mind and proper age, and who should have a voice in choosing representatives. An address was then proposed to the Prince Regent, embodying these resolutions, and calling on him to issue writs for the election of representatives under these conditions, and that this Parliament should assemble on the 1st of January next. It is worthy of remark that the whole of the Reform agitation at this period related to the House of Commons, and that the House of Lords and the bishops, the favourite object of the attacks of later reformers, are never mentioned.

Jones, Wylde, Swift, and Saxton, not guilty; Hunt, Johnson, Healy, Knight, and Bamford, guilty of assembling with unlawful banners, at an unlawful assembly, for the purpose of moving and inciting the liege subjects of our Sovereign Lord the King to contempt and hatred of the Government and constitution of this realm, as by law established and attending the same."[2] This amounted to a verdict on the fourth count, and by advice of the Court the jury withdrew for a few minutes, and then returned a general verdict of Guilty on that count. The prisoners having entered into their own recognizances to come up to receive judgment, this most important trial came to a conclusion, after a sitting of twelve days. On the 15th of May Denman moved the King's Bench for a new trial, on the ground that two of the special jurymen, who had not attended, had not received their letters of summons, and that in consequence the defendants, in ignorance of this

[2] Much surprise was naturally felt at the conviction of Bamford, who undoubtedly did not attend the meeting with any illegal object. Subsequently to the trial much good feeling was expressed towards him by Scarlett, "when Lord Abinger," and Maule, the Solicitor to the Treasury, both of whom subscribed to the volume of his poems. During his imprisonment he won the favour of every one about him by his excellent conduct, and was treated with the utmost kindness, and in consequence neglected by the more violent Radicals, with whose designs he had no fellow-feeling. Moorhouse was proved at the trial to be a man of steady religious feeling, and only to have accompanied Hunt on his way to the hustings, but not to have taken any part in the meeting. Jones only put up the hustings, and Wylde, who headed one of the columns, probably got off on the ground that no evidence was given of the inscriptions on its banners.

fact, allowed two *tales* men to be sworn on the jury; but he got nothing by his motion. On the same day Hunt was sentenced to twenty-nine months' imprisonment in Ilchester gaol, and then to find securities for good behaviour for five years, himself in 1000*l.*, with two sureties of 500*l.* each, and the rest of the defendants to one year's imprisonment, with sureties of 200*l.* by themselves, and two others of 100*l.* each, for good behaviour, for the same period.

Of the numerous other trials connected with these meetings, those of Sir C. Wolseley, for the Stockport meeting, in the preceding July; of Harrison, for the same offence, and subsequent lectures in Stockport, at which he ventilated seditious opinions; and that of Sir Francis Burdett, for his address to his constituents, attacking the Government for the conduct of the authorities at Peterloo, must now be noticed.

On the 28th of July, 1819, a meeting was held on Sandy Brow, near Stockport, at which between 4000 and 5000 persons attended, mostly armed with sticks cut from the hedges—formidable weapons—and not mere walking-sticks. Of this meeting Sir Charles Wolseley was the chairman, and, together with Mr. Harrison, a local schoolmaster and dissenting preacher, the chief speaker. Only one banner was on the field, with the usual mottoes, "No Corn Laws," "Universal Suffrage," and "Vote by Ballot," and surmounted by a cap of liberty. Before the chairman came, a police-constable was so severely beaten, as a spy, that he was carried senseless from the field; but with that exception, no violence was offered to any one. On the arrival of Sir Charles, by his direction,

three rounds of hisses were given for the prosecutors of the men convicted for the Burnley meeting, and then apparently the usual reform resolutions were carried. In addition, resolutions of a very different character were proposed and passed, with brandishing of sticks and acclamations. By one, Lord Sidmouth was declared guilty of high treason; by another, a general meeting of delegates was called to be held at Oldham; by the third, a subscription was to be raised to pay the costs of prosecuting ministers, and by the last, as ministers had passed a bill to indemnify them for their acts, so the meeting was to indemnify the speakers if anything seditious was spoken. When a cry was raised that the cavalry was coming, Sir Charles called on them to stand firm. On this the people brandished their sticks, and one of the crowd was afterwards heard to say that they wished the cavalry had come, as they were prepared for them. Unlike the Manchester meeting, no women or children were in the crowd, though some, probably, were on its outskirts.

For their speeches at this meeting, Sir C. Wolseley and Harrison were arrested, and tried at the Cheshire Assizes on the 10th of April, 1820. The charges against Sir Charles and Mr. Harrison were, first, exciting to tumult, by holding a numerous meeting, and addressing to it seditious words, calculated to bring Government into hatred and contempt; and, secondly, conspiring together to stir the people up to tumult and insurrection. Sir C. Wolseley's words, if truly reported, were well calculated to excite tumult and cause insurrection.

"He was happy in addressing the people of Stockport from Sandy Brow; it was a place consecrated to liberty by the absence of friends he would have been happy to meet there, and he trusted Sandy Brow would be more famed in history than the field of Waterloo. Was there a peace officer present? He trusted they came to keep the peace, and not to break it. But was there any of your spies, your note-taking and black-book gentry? tell your employers, the tools of a Castlereagh and Sidmouth, that I hate them! that I detest them! that I eternally execrate them! He was proud to say that he was at the taking of the Bastille in France, and would be happy to be at the taking of a Bastille in England. Were all hearts but as firm in the cause as his own they would soon put an end to the present tyranny and corruption. They should be firm and united, for in a few weeks the struggle would be made and ended."

Harrison's speech was equally dangerous.

"The House of Commons," he was reported to have said, "were the people's servants. That it was as absurd to petition them as it would be for a master to petition his groom for his horse. There was a barrier between the throne and the people which must be removed, either by force, from heaven or hell, in order that they might see whether a man or a pig was on the throne. The united will of the people is sure to prevail, it was an axiom that could not be confuted. It might be necessary, in some cases, to petition the House of Lords, who were, by the constitution, placed in a different situation to the House of Commons, but in the present corrupt state of things it was useless."

To prove the intimacy between the defendants, a letter from Sir C. Wolseley to the postmaster at Stockport, dated the 30th of June, was put in evidence. In this letter the writer said that he suspected that a letter to him, from Harrison, of the 24th of June, which had been posted at Stockport, and only reached the writer that day, had been opened in the office,

and its delivery delayed, which the postmaster indignantly denied. Another letter from Harrison to a man of the name of Baguely, (then undergoing his sentence for the Burnley meeting,) dated two days after the meeting at Stockport was also read. In this last letter Harrison described the meeting at Stockport, with the part taken in it by Sir C. Wolseley, and a subsequent dinner in the Union rooms, at which the baronet took the chair, and at its close rode off to Manchester, amid the cheers of 10,000 persons. The letter then went on to advise Baguely to write a political dialogue between himself and his fellow-prisoners, as the best means of raising further subscriptions for the cause of reform.

For the defence Mr. Pearson, who appeared only for Sir Charles, whilst not denying that some degree of intimacy existed between his client and Harrison, ridiculed the evidence on that head, and cited Judge Bayley's charge in the Manchester case. On the other part of the indictment he urged that it rested on the fact whether the meeting was legal or illegal, and contended that the resolutions, though violent, were not illegal, especially as they appealed to the law for the prosecution of the ministers. Of the speeches, he claimed that Sir Charles could only be responsible for his own, and that mere numbers did not make the meeting illegal. He felt the difficulty in explaining Harrison's speech, but urged that his client could not be held answerable for Harrison's dangerous expressions. As for the attack on the constable, it had been proved that it took place before Sir Charles came to the meeting, and he characterized the cap of liberty as

a bauble unworthy of the attention of men of sense. In conclusion he alluded to the position of birth, wealth, and domestic happiness of his client as indisputable pledges that Sir Charles could never entertain a wish to plunge the country into the perils of a revolution.

Harrison, who defended himself, made a long, wearisome, and turgid oration, in which he said "the earth will shake when I fall," and described the indictment as "a sham document, in which he and Sir Charles were bound, hand and foot, to be thrown—where?—into hell." It was so strangely grounded, he said, that he did not know how to plead to it at all, and then read portions of it with many anathemas from time to time on the passages with which he was displeased. He appealed to Bentham's pamphlet on the indictment, and Brougham's article in the *Edinburgh Review* defending tumult, and proving that it was not for the public good that tumultuous meetings should be put down. For four hours in this style he only wearied the jury, never attempting to explain away the worst passages in his speech, and ending by declaring that the jury would violate their oaths if they found him guilty.

In his charge to the jury, the Lord Chief Justice met the point as to "the unlawful assembly," by the definition of such a meeting given by Serjeant Hawkins, admitted by both sides to be a most reliable authority, and called particular attention to some of the words of the defendants. "From Harrison's expression of 'a gentleman petitioning his groom,' it was manifest," said the Judge, "that the object was

not to petition Parliament. What other meaning than that assigned by the prosecution could be put on Sir Charles' allusion to the Bastille, and that 'if their hearts were as firm as his they would soon put an end to the present tyranny and corruption,' connecting these words with his saying, that 'in a few weeks the great struggle would take place.' The last resolution," said the judge, "is well worthy the attention of the jury, 'that as ministers had obtained bills of indemnity to cover their acts, so the meeting should indemnify the speakers, if anything seditious had been spoken.'" In conclusion he called attention to Sir Charles calling them "to stand firm," when it was reported that the cavalry were coming, as showing that he looked on himself as their leader, and after reading through the evidence, to which he called their attention, as entirely uncontradicted, left the case to the jury. After such a charge there could be no doubt that a verdict of Guilty would be the result.[3]

Subsequently, on the 18th of April, Harrison was again indicted for seditious language used in a lecture delivered by him at the Windmill Rooms, Stockport, on the 15th of August, 1819, the day before the meeting at

[3] May 15th, 1820. Under this indictment Sir C. Wolseley was sentenced to eighteen months' imprisonment in Abingdon Gaol, and to find securities for his good behaviour for five years, himself in 1000*l.*, with two sureties of 500*l.* each. Harrison was also sentenced to imprisonment for the same period in Chester Castle, with like sureties for five years, himself in 200*l.*, with two others of 100*l.* each. As Harrison's imprisonment was to commence after the expiration of those inflicted for the second and third indictments he was really sent to gaol for three years and six months. See *post*, p. 300.

Manchester, in St. Peter's Field. So far as the chief witness heard the lecturer, who had begun his address before he could enter the crowded room, Harrison spoke on two subjects, the propriety of living soberly and righteously. To ensure the first virtue, he advised his audience—about a thousand persons—to abstain from tea, coffee, tobacco, and all excisable articles as the only sure way of causing the reform they sought. "The Government have starved the people," said the preacher, "and, therefore, it is fit that the people should starve the Government." To enable them to live righteously, Harrison said, "The word righteously applied as well to the rich as to the poor, to the governors as well as to the governed." Then he added that "the constitution consisted of king, lords, and Commons;" that "it was necessary for all the three estates to work in making laws which could not be altered but by the same consent: the Commons was the house of assembly of the people, where their rights ought to be protected; but when they asked for their rights, they threatened to make war. Can laws proceeding from such a source be considered the law of the land, or is it fit that we should obey them?" Harrison, who again conducted his own defence, denied that he used such expressions, adding "that if he did, in his opinion, there would have been but little of sedition in his conduct,—

> "'For learned lawyers at their ease
> Twist words and phrases as they please.'"

"He could not read three chapters in the Bible without uttering something which might be called

seditious. If persons were to be prosecuted for what they preached, the best days of old England were over—they were gone—fled for ever. He should not be long alone. He should have company enough. As long as money was to be got by informers, there would be no want of prosecutors and prosecutions." Continuing in the same strain, he spoke of the judge having charged so hardly against him on the previous trial, because "he must please his employers," and when rebuked for these words, proceeded to read selections from the Scriptures capable of a seditious application. At the conclusion of his address, he enlarged on the history of his family. "His father was a minister of the Gospel in Yorkshire, and a steady Whig. He had been a disciple of Fox, and from the Whigs he had learned his politics." Four of his congregation were called to depose to the loyal tendency of his lecture, but gave too vague an account of what they heard to lessen the evidence given for the prosecution, and he was found guilty after only five minutes' consideration on the part of the jury.

Next day he was again indicted before a fresh jury for the following passage in a sermon preached on the evening of the 6th of December. "Kings, princes, dukes, lords, Commons, Parliaments, archbishops, bishops, prelates, rectors, high-constables, constables, sheriffs, deputy-constables, and bailiffs were all corrupt, and the time was near at hand when they would be upset. The people," he continued, "should rise *en masse* to suppress such a tyrannical Government as the one in this country; and it will not be long, but very soon, that it shall be overturned, and

many a bloody battle may be fought, and many a one incarcerated in prison before it shall be accomplished." Again he made the same kind of rambling and inconclusive speech, and the jury again, after ten minutes' consultation, found him guilty. Sentence was at once passed on him for the second and third indictments, a twelve months' imprisonment for each, and then to find two sureties in 100*l.* each, for his good behaviour for two years. We hear no more of this very mischievous preacher, his long imprisonment probably taught him the danger, if not the error of his ways.

This chapter would not be complete without some account of the trial and conviction of Sir Francis Burdett for a libel on Government in the form of an address to his constituents, denouncing in the most violent language the conduct of the soldiers at Peterloo, and charging the Government with having initiated a reign of terror and bloodshed, in order to prevent the people petitioning for the much-needed reform of the Legislature.

This notable politician was by birth, education, and fortune an aristocrat; and after a long life of political warfare as an ardent but most intemperate popular leader, in his last years became as strong a Conservative as he had been a Liberal. Born in 1770, educated at Westminster and Oxford, he made the usual Continental tour, deemed the indispensable part of the education of the men of fortune and position of his day, and returned from abroad deeply imbued with the spirit of the French republicans. To this, the friendship and instruction of the ardent

reformer, Horne Tooke, undoubtedly gave much encouragement. Returned to Parliament in 1796, together with the future Lord Eldon, for the Duke of Newcastle's close borough of Borrowbridge, he at once denounced the Government as inimical to the liberties of the people, and threw himself without restraint into the reform agitation. Parliamentary and, its necessary sequence, administrative reform seemed so theoretical that the most sanguine of the young politicians of that age could not hope to live to see the realization of even a portion of their demands. Sir Francis, like his active coadjutor, Lord Cochrane, however, lived to see the realization of nearly all his wishes ; but, unlike his colleague, to regret the part he had taken when he saw the extent to which reform after reform extended, so soon as the concession of the first demand had been made. A constant denouncer of the severities of the various administrations, he was at every meeting of importance at which the Government was attacked. At the hustings, in Covent Garden, at the "King's Arms," in Palace Yard, and the great room of the "Crown and Anchor," in the Strand, he uniformly took the lead, and by his knowledge, his eloquence, and the versatility of his powers in speaking and in reply, proved how qualified he was to assume the *rôle* of "a tribune of the people." His style in speaking, as well as in writing, was exaggerated, but not the less effective ; and though he constantly erred in the violence of his language, he was admitted to be the best defender, of his time, of the then limited liberties of the people. In 1802 he stood for Middlesex successfully against the Govern-

ment candidate, and, though twice afterwards defeated, on the death of Fox, he stood for Westminster, with Lord Cochrane, and with him was returned at the head of the poll by a triumphant majority, though Sheridan was one of his opponents. In 1810, on the committal of Gale Jones by the House of Commons, he incurred the displeasure of that portion of the Legislature by his address to his constituents, was committed to the Tower, and only released on the prorogation of Parliament. Then followed his ineffectual proceedings against the Speaker and the Serjeant-at-Arms, already alluded to, by which he only obtained a legal sanction to the autocratic powers of committal against which he had protested. Still eager and active in his position of "the tribune of the people," again and again he brought forward motions in favour of parliamentary reform and Catholic emancipation, only to be defeated; but though defeated, still all the more hopeful. On the sad occasion of the Manchester riots, in 1819, he again addressed his constituents, and was indicted, tried, and convicted of the libel on Government forming the subject of the following proceedings. From that time, except in Parliament, he was less before the public. He noted the steady approach to victory of the principles for which he had fought, and heartily welcomed the repeal of the Sacramental test and the Catholic disabilities, and the Reform Bill of the Grey Cabinet. When, however, he found that some of his friends meant revolution and not reform, a change came over his views. Gradually he separated himself more and more from the demo-

cratical reformers; and before he died, in 1837, was accounted by them as a renegade.

The libel for which Sir Francis Burdett was tried, was in the form of a letter to the electors of Westminster, and is too long to be quoted in full. Portions of it will avail as an example of the whole. After speaking of the grief, shame, and indignation with which he read the account of the blood spilled at Manchester, he said,—

"This, then, is the answer of the borough-mongers to the petitioning people—this is the proof of our standing in need of reform; these the practical blessings of our borough-mongers domination—this the use of a standing army in time of peace. It seems our fathers were not such fools as some would make us believe, in opposing the establishment of a standing army, and sending King William's Dutch Guards out of the country. Yet, would to heaven they had been Dutchmen or Switzers, or Hessians or Hanoverians, or anything rather than Englishmen, who have done such deeds. What! Kill men unarmed! unresisting, and gracious God, women, too! disfigured, maimed, cut down, and trampled on by dragoons. Is this England? Is this a Christian land? Is this a land of freedom? Can such things pass by us, like a summer cloud, unheeded? Forbid it, every drop of English blood in every vein that does not proclaim its owner bastard."

"Will the gentlemen of England support or wink at such proceedings—they never can stand tamely by as lookers on whilst bloody Neroes rip open their mother's womb; they must join the general voice, loudly demanding justice and redress, and head public meetings throughout the United Kingdom, to put a stop, in its commencement, to a reign of terror and of blood; and ensure legal redress to the widows and orphans—mutilated victims of this unparalleled and barbarous outrage." He then proposed and offered to attend a meeting in Westminster for that purpose, and added, "Whether the penalty of our meeting will be death by military execution I know not; but this I

know, a man can die but once, and never better than in vindicating the laws and liberties of his country." Then, professing to doubt whether what he had written was not libellous, he quoted the well-known incident of the soldiers at the camp on Hounslow Heath cheering the news of the acquittal of the seven bishops, and concluded with an attack on military punishments. "'Tis true James could not torture his soldiers, could not tear the living flesh from their bones with the cat-o'-nine-tails, could not flay them alive. . . . Be this as it may, our duty is to meet; and England expects every man to do his duty."

Convinced by bitter experience that no jury of London or Westminster would find Sir Francis guilty, the Government laid the indictment in the county of Leicester, where they sought to prove publication in the following manner:—

A day or two after the date of the letter, Brooks, apparently a newspaper agent, living in the Strand, received the document from a Mr. Bickersteth, a professional gentleman, with instructions for its publication, acting on which he sent it to the *Times* and the *Free Press*, and other journals, in which it subsequently appeared. On the day of the letter's date, Sir Francis was seen by the keeper of the toll-gate near Kirby, in Leicestershire, which was about 100 yards from his own house. The inference was that the baronet had ridden there to post it to Bickersteth, for transmission to Brooks. To the insufficiency of this evidence Denman, on the part of Sir Francis, at once objected, citing, of course, the case of the seven bishops, and also that of the King against Watson, in which it had been held that putting a letter in the Westminster post-office was not proof of publication within that jurisdiction. Mr. Justice

Best, however, overruled the objection. The error in the case of the seven bishops, he said, was that they were not tried in the county in which the paper had been written, and referred to the case of Mr. Justice Johnson, in which, it will be remembered, it was held that the transmission of a letter from Ireland to London was held sufficient proof of publication in the latter place.[4] As it was not denied that the letter was in the handwriting of Sir Francis, on this proof of publication the case proceeded.

In his address to the jury, however, the defendant again urged this point, asserting that neither he nor his servant knew in what office it had been posted. Then after severely censuring the Attorney-General for this ingenious device, through fear of a Middlesex jury, he attacked the system of *ex-officio* informations, and on the question of the expressions used in the letter, declared that, had Locke written his work on Government only a few years before, it would have been described by the Crown lawyer as a wicked and seditious libel.

"The circumstance of his being tried by a special jury was, in itself, evidence that the offence with which he was charged was not of a very heinous character. Falsehood, which, in ordinary cases, was the *gravamen* of the charge, was omitted altogether in the information against him. The Attorney-General had stronger motives than he could have for doing what was wrong, inasmuch as he had his fortune to make, whilst the defendant was satisfied with what he had. If he was charged with murder he should know how to defend himself; but not when charged with what was called a libel. The

[4] See "The Trojan Horse Libels," vol. i. chap. vi. p. 142.

law of libel was even more undefined than the military law, for every military man knew how to conduct himself so as to avoid punishment. But no man could tell whether he would be prosecuted or not for what he wrote."

Sir Francis then went through the expressions in his letter, and declared that he could not conceive that it was illegal to lament that soldiers had cut people to pieces, or how it could excite disaffection among the soldiery. All that he sought for was legal redress. "The Manchester meeting was not illegal. For a quarter of a century, as a member of Parliament, he had always understood that any number of persons might meet to present petitions; and it was not until lately that a noble and learned lord had twisted out some obscure points of law to prove that a meeting, when it became numerous, was illegal." Citing Lord Holt's dictum, that whoever killed a person on account of his being at a great meeting was a murderer, he asserted that in the Manchester meeting there was no case to justify the sending of the military among the crowd. Then citing extracts from his numerous speeches to show that no seditious intention could be imputed to him, he concluded with comparing the Attorney-General to the constable in "Measure for Measure," who was dismissed for his interference by Escalus, and left himself in the hands of the jury.

An attempt was then made by Denman to put in evidence the statements that had been made as to the Manchester meeting; but Mr. Justice Best held these to be irrelevant, and would not allow of any evidence being given of what passed there.

Best's charge to the jury was of the most decided character. "Nothing," he said, "occurred that could form any excuse for the most intemperate men, in saying that a reign of terror and blood was commenced in the country. If terror and blood were on one side, what must have been on the other? He was sorry to see the passage, 'A man can die but once.' There never was a more striking instance of the mock heroic. Could any one tell him that anything could be more pregnant with mischief than the passage respecting the punishment of soldiers? The Government rested not on the army, but on the affections of the people. If the paper was calculated to do infinite mischief, that mischief must have been intended. More poisonous ingredients never were condensed in one paper."[5]

[5] On Best's ruling, Denman, in Easter term, 1820, moved the King's Bench for a new trial. On this, as no decision was given during that term, the Attorney-General (Sir S. Shepherd), on the 8th of June, applied for judgment; and, on the application of Brougham, the argument on Denman's motion was continued by Phillips, November 27th. The Court (Abbott, C. J., Bayley, Holroyd, and Best, JJ.) decided (1) that as the letter was dated in Leicestershire, and the writer was seen there the day on which, and the day after it was dated, the delivery by Bickersteth to Brooks was proof of publication in Middlesex; (2) that delivery to a post-office in Leicestershire was proof of publication in that county, and that where a person writes a letter in Leicestershire with intent to publish, and afterwards publishes it in Middlesex, he can be indicted for the misdemeanour in either county. To the first decision Bayley (J.) dissented, and on the second he doubted; (3) The whole Court agreed that the judge (Best) correctly ruled at the trial (*a*) that the intention of a document is to be collected from the document itself, unless explained by the mode of publication, or other circumstances;

In about two minutes the verdict was returned, the jury never leaving their box. At first it was only, "guilty of libel," and the question rose whether that inferred "Guilty in Leicestershire." Eventually the judge took a general verdict of Guilty, leaving the points that necessarily arose in the case to the Court above. These being decided against him, Sir Francis was sentenced February 8th, 1821, to three months' imprisonment, and a fine of 2000*l.*

(*b*) if the contents of a paper are likely to excite sedition the writer of it must be presumed to have intended that which his act was likely to produce, and that if they found such to be the fact it was a libel, and (*c*) that they were to take the law from the judge.—"Barnewall and Alderson's Reports," 3. p, 717 and 4. p, 75.

CHAPTER IX.

THE CATO STREET CONSPIRACY. TRIALS OF THISTLEWOOD AND OTHERS, APRIL, 1820.—EDWARDS THE SPY.

THOUGH the Cato Street Conspiracy, for the assassination of the Cabinet, was not matured until 1820, the proposal of such an inhuman scheme had been suggested three years before by one whom Bamford believed to be the dupe of Oliver the spy, and dropped at that period for want of encouragement, and a leader. Such a man was at length found in Arthur Thistlewood. When acquitted, with Watson and the others, for the Spa Fields riot, in June, 1817, he had the folly to send a challenge to Lord Sidmouth, for which he was indicted and imprisoned for a twelvemonth, in Horsham gaol, from which he was released about the time of the Manchester riot. It was, according to his own account, when smarting under his late treatment, and indignant at the conduct of the military at Peterloo, that he met Edwards, the Government spy, and became a willing instrument in his hands. He had resolved that the lives of those who had, as he believed, instigated the "massacre," "should be a requiem for the souls of the murdered

innocents, and that insurrection was a public duty." From that moment, whether instigated or not by Edwards, he was ceaselessly engaged in his conspiracy for the assassination of the Cabinet; and, if witnesses are to be believed, was so open and unguarded in his statements and his preparations, that he must have been infatuated not to expect that his secret would be divulged. In this plot he was, like Despard, the only conspirator above the rank of working men, the rest were of the usual class that we find engaged in such combinations—a butcher, some shoemakers, a discharged soldier, a cow-keeper, an Irish bricklayer, one of a colony of his countrymen in a lane off Oxford Street, and Edwards, a modeller of plaster images.

Edwards is thus described by Mr. Charles Knight,[1] who remembers him well:—"He kept a small shop, in the High Street of Eton, where the most profitable exercise of his art was the production and sale of a little model of Dr. Keate, the head-master, in his cocked-hat, the demand for which was considerable, from its rapid consumption by the junior boys as a mark to be pelted at." In November, 1819, he first spoke about the Cato Street matter to Sir Herbert Taylor, then in the King's household, by whom, no doubt, he was put into communication with the Home Office. It is not to be believed, for a moment, that he was instigated by Lord Sidmouth to play the part which he was proved to have acted; but it is evident that if he did not instigate the plot, he took a most active part in its preparation. He attended most of the

[1] "Popular History of England," vol. viii. p. 160, note.

meetings of the conspirators until the night before the intended assassination ; brought there the intelligence of the projected Cabinet dinner, at which ministers were to be murdered ; formed one of the watch set on Lord Harrowby's house to see if it was guarded ; joined in making the fuses for the hand-grenades ; was always in close communication with the leaders, and if the witnesses for the prisoners are to be credited, helped to bring to the house of one of them the weapons and ammunition which were found there ; assisted Thistlewood to escape for a time, and then, in all probability, disclosed his hiding-place. Though this man's name was in the list of witnesses for the Crown, he was wisely, but most unfairly, kept out of the witness-box. The Government had enough of such witnesses in Castle, and as several of his accomplices were ready to turn King's evidence, his discreet absence was excused on the ground of not lengthening the trial by a repetition of the same facts. It is possible, but not probable, that the exposure which he must have suffered under cross-examination would, as in Castle's case, have led the jury to discredit the charge of high treason. Anyhow, it would have exposed the system of espionage which was regarded by Government as the necessity of the day. This much must be said in behalf of the Government, that Brougham did not blame it for employing him, and acting on his evidence, or not producing him at the trial.[2]

[2] Debate in the House of Commons, May 2nd, 1820, on the motion of Alderman Wood to bring Edwards before the House, which was withdrawn, after discussion, on the ground

Though Thistlewood admitted and gloried in his intention of assassinating the Cabinet, and only denied any idea of treason against the king, the feeling against Edwards and the possibility of the truth of Thistlewood's statement, that the spy was the instigator and real contriver of the plot, led to proceedings against the latter. On the 24th of April four persons attended at Guildhall and made depositions against Edwards, which were sent to Lord Sidmouth with a request that proceedings might be taken against him. This was refused, on the ground that the trials were not yet concluded, and Edwards might still be called for the Crown, and for the time the matter slept. On the 22nd of May, however, a true bill for high treason against him was found by the grand jury, on the evidence, (it was reported,) of the maker of the pikes which had been found stored up by

that it was not the proper remedy. In that on the 9th May, by the Alderman for a Select Committee to consider the evidence of criminality on the part of Edwards and his associates for two years before the trial, which was supported by Sir F. Burdett, Hobhouse, Hume, and Sir Robert Wilson; Mr. Bankes, in opposition, cited Cicero's conduct in getting information from Catiline's concubine, Fulvia, and encouraging the ambassadors of the Allobroges to attend the meetings of the conspirators, so as to know their designs more clearly. On this Hobhouse said that it did not appear that Cicero "had employed the lady or the Allobroges to make the plot," and Denman declared that "it was the duty of the lawyers of the Crown to afford the prisoners an opportunity of drawing from an infamous accomplice all the circumstances that might lead to their own exculpation by a severe cross-examination in court." One does not see how the proof of Edwards' criminality would have served those who clearly helped him to carry out his design, even if he originally suggested it.—Hansard's "Debates," May 2nd and 9th.

the conspirators, that they were made by him, on the order of Edwards, and paid for by that person. On this Edwards absconded; and, as Lord Sidmouth, to whom the documents had been previously sent, had refused to issue a warrant for his apprehension, he got safely away, in spite of the reward offered by the prosecutors for his arrest. Eventually, it is believed, he was sent by Government to the Cape of Good Hope, probably under another name, and placed in a position of which he was so utterly undeserving.

The assassination was intended to have been effected on the 23rd of February, 1820, when a Cabinet dinner had been announced at the house of Lord Harrowby, in Grosvenor Square. The preparations for this meeting were allowed to be made as if nothing was known, and only countermanded about the time when it was supposed that the arrangements for the arrest of the conspirators had been carried out. Of this Thistlewood and his co-conspirators were not aware. Deceived by the arrival of visitors to the next house, where a dinner was being given by the Archbishop of York, they continued their preparations to the moment when the officers broke in upon them; and, at the cost of the life of one of them, effected the arrest of the greater number. At the moment Thistlewood escaped, being assisted by Edwards to the house in which he was discovered, betrayed, most probably, by the spy, as soon as he knew that a reward of 1000*l.* had been issued for his apprehension.

On the 8th of March, 1820, a special commission was issued to the Lord Chief Justices of England and

of the Common Pleas and other Judges, for the trial of the Cato Street conspirators against whom true bills for high treason were found on the 27th, and the trials commenced with that of Thistlewood on the 17th of the following month. Eleven prisoners were included in the indictment,[3] which was in the usual form of compassing the deposition and death of the king; conspiring to levy war to make him change his measures, and finally levying war. The Attorney and Solicitor-General with others appeared for the Crown, Curwood and Adolphus for Thistlewood and the five most active of the leaders, and Watford and Broderick for the rest. The history and details of the plot were minutely detailed by Adams, an accomplice, a discharged soldier of the Blues, who, like so many of his companions in guilt, was now by trade a shoemaker.

According to his evidence, on the 13th of January, Brunt, one of the prisoners whom he had known at Cambray, in France, in 1816, first introduced him to Thistlewood at the latter's lodging in Stanhope Street, Clare Market, as "This is the man I was speaking about to you." Thistlewood spoke to him about his abilities as a swordsman, and began to abuse the shopkeepers as a lot of aristocrats altogether, and said that "he would glory to see the day that all shops were shut up and plundered." After some further abuse of Hunt and Cobbett, as

[3] The prisoners were: Arthur Thistlewood, William Davidson, James Ings, John Thomas Brunt, Richard Tidd, James William Wilson, John Harrison, Richard Bradburn, John Shaw Strange, James Gilchrist, and Charles Cooper.

Government spies, this interview appears to have terminated. Other conversations followed during the next three days, the nature of which was not disclosed, and from then to the 31st Adams did not see Thistlewood, as the witness was in prison for debt. On that evening Adams met Thistlewood at Brunt's, in Fox Court, Gray's Inn, and again two days after at the same place found Davidson, Harrison, and *Edwards*, besides Brunt and Thistlewood. He then noticed long green pike-staves in the room, and heard Thistlewood and Davidson complain that Bradburn had not fixed the ferrules to them, for which he had been paid. These meetings continued to be held at Brunt's from the 31st of January to the 23rd of February. When he next attended a meeting—some nine or ten days before the king's funeral—he found Thistlewood and Harrison in consultation over the stove, and he sat down by them. What then followed was important.

"They began to tell me the discourse that had passed between them. Harrison told Thistlewood he had met one of the Life Guards, who told him that all the Life Guards that could be spared and could be mounted, would be at the funeral of the king, and likewise as many foot-guards as could be spared, and the police officers as well, and it would be a very favourable opportunity to kick up a row and see what they could do that night. It quite met with Thistlewood's approval. He said it certainly would be a very favourable opportunity, and he had no doubt, provided they could take those two pieces of cannon in Gray's Inn Lane, and the six pieces at the artillery-ground, that they would have an opportunity before morning to put themselves in possession of London. If once it began, and if communication went from London to Windsor to inform the army there that they were to come to London, they would be so tired

when they got to London they would not be able to do anything. He also proposed arranging to prevent an orderly going from Hyde Park to Windsor. In the next place he said it would be highly necessary to go to the telegraph over the water and get possession of that to prevent any intelligence being conveyed to Woolwich. He next proposed, as he thought by that time they would be able form a provisional government, for that government to send down to the seaports to prevent any gentleman being sent out of the country without its passport; he named several ports, and at last Brighton, to which he said it would be necessary to send down a force sufficient to take it, '*not that I suppose our new king will be able to be there at that time or to be at the funeral of his father;*' he did not consider he was well enough, but '*it will be necessary to go down there to prevent any person leaving it, and as to the prince-regent or king, we cannot think of his ever wearing the crown, the present family have inherited it long enough.*' Thistlewood then told Ings and Brunt the news Harrison had brought, and they both positively declared that there was nothing short of the assassination which they had in view, that would satisfy them (the assassination of ministers which had been discussed at a previous meeting)."

On Saturday, the 19th of February, Adams attended another meeting in Fox Court, at which he found Thistlewood, Harrison, Davidson, Ings, Brunt, and Hall, all set round the room apparently in confusion in a deep study; he had not been there scarcely a minute before they all got up, turned on their heels and said, "Well then, it is agreed that if nothing happens between this and Wednesday next, next Wednesday night we will go to work." They were too poor to wait any longer. A committee for the next day was then decided, at which Thistlewood said, "It will be necessary for all that attend to bring arms with them in case any officers should come up." On which Brunt, to whom this was addressed, declared

his intention of running any officer through who should enter the room. Next day, Sunday, Adams went to the meeting, at which eleven of the party, including *Edwards*, attended. Business had already commenced, and Thistlewood finding so many present said there were enough for a committee, and on his nomination Tidd was placed in the chair. Then "the West End job," as the assassination of the Cabinet was termed, was opened in detail.

"'Gentlemen,' he reports Thistlewood to have said, 'we are come to this determination, as we are all tired of waiting so long for the doing this job, and as we find there is no probability of their meeting all together, if in any case they do not dine together between this and Wednesday, to take them separately at their own houses; we shall not have such an opportunity of destroying so many as provided they were to dine all together; if we take them separately, we must be content with two or three or four, as we can get them. I suppose it will take as much as forty or fifty men to do the West End job, and I propose at the same time to take the two pieces of cannon in Gray's Inn Lane, and the six pieces at the artillery-ground. After that, to take the Mansion House as the seat of the provisional government, and then to make an attempt on the Bank of England.' Palin (who had not been apprehended) was then named to set fire to the different buildings in different parts of London. The plan was then put, approved by all present, and a plan proposed by Brunt how the ministers should be killed. After this Palin and two more came in, and Thistlewood and Brunt's proposals were repeated, and Palin, before agreeing to it, wanted to know whether he might reveal it to those men whom he expected to bring, and leave was given him to do so. After this Brunt and Palin were sent out to reconnoitre Furnival's Inn, which was close by, to see how it could be set on fire, and when they returned the importance of getting all their men together was mooted, and it was suggested that a room for this purpose could be got at the 'White Hart,' and Brunt offered to lend his,

and to get his apprentice and his son out of the way at the time of the meeting."

Before the next meeting, however, Adams had seen the landlord of the "White Hart," and when they met at Thistlewood's told them, to their dismay, that the landlord had been visited by two police officers with the information that it was known at the Home Office that a radical meeting was held at his tavern. In consequence, the meeting for Monday night was put off, and it was not until Tuesday morning, the 22nd, that the conspirators reassembled at Brunt's lodging. At that meeting there were again eleven of them, including *Edwards*, who brought the news of the proposed Cabinet dinner for the next day at Lord Harrowby's. A newspaper was sent for and the news confirmed, when Brunt said, "Now, I will be d——d if I do not believe there is a God: I have often prayed that those thieves may be collected together, in order to give us a good opportunity of destroying them, and now God has answered my prayer." It was proposed to form a committee, and Adams was put into the chair, but only for a few minutes as he recalled to their attention what he had told them on the previous morning, and was consequently looked on by some of the more active persons as faint-hearted. His warning, however, had this effect: men were at once told off to keep watch on Lord Harrowby's house to see if any officers or soldiers went in—two men watching at a time for three hours, from six to twelve that night, and again from four the next morning. Among the first of these watchers was *Edwards*. Brunt then proposed

the following plan suitable to an attack on the dinner-party, where fourteen at least might be expected to assemble.

"'I propose,' says he, 'going to the door with a note to present to Lord Harrowby; when the door is opened, for the men to rush in directly, seize the servants that are in the way, present a pistol to them, and directly threaten them with death if they offer the least resistance.' This being done, a party were to rush forward to take the command of the stairs—two men were to be placed at the stairs leading to the upper part of the house one was to have fire-arms, to be protected by another with a hand-grenade in his hand, a couple similarly armed to take the head of the stairs leading to the lower part of the house. If any servants attempted to retreat either way, the men were to set fire to the grenades, and throw them amongst them; two more men, similarly armed, were to guard the area, and act in the same way if the servants tried to escape in that direction. This being done, the men told off for the assassination were to rush in directly where the guests were and murder all found in the room, good or bad, for if there were any good ones they would murder them for keeping bad company. Ings (the butcher) volunteered to enter the room first with a brace of pistols, a cutlass, and his butcher's knife in his pocket, with the determination, after the two swordsmen who were to follow him had despatched them, to cut off every head that was in the room, and the heads of Lord Castlereagh and Lord Sidmouth he would bring away in a bag: for that purpose he would provide two bags. As soon as they got into the room he would say, 'Well, my lords, I have got as good men here as the Manchester Yeomanry. Enter, citizens, and do your duty!' On this the two swordsmen were to enter, to be followed by the rest of the men with pikes, pistols, cutlasses, or whatever it might be, and to fall to work murdering as fast as they could."

Harrison, an old life-guardsman, and Adams were selected by Thistlewood as the swordsmen; Harrison willing enough, and Adams, as he swore, consenting

as he saw no chance of escape, and that if he did not assent his life was in danger. Thistlewood then proposed to follow up the murder by firing the horse barrack in King Street, seizing the two guns at the City light-horse barracks in Gray's Inn Lane, and then, uniting with a party placed in that neighbourhood, to proceed to the artillery-ground in Finsbury, take the six guns, advance to the Mansion House, placing half the guns on the side next to the Royal Exchange, and the rest on that towards Cornhill, demand possession, if resisted fire on it, and when it was surrendered, establish there the provisional government. The Bank was next to be attacked, the money taken, but the books preserved "to enable them to see the villainy that had been practised in the country for some years." Harrison now proposed the word "Button" as a countersign. The first man on meeting a supposed comrade was to spell B-U-T, and the other to spell in reply T-O-N. A new place of meeting was to be selected for the next night, and a man placed at the end of Oxford Street to communicate its situation to any one who came up to him.

Nothing more appears to have been done at the morning meeting, but when Adams looked in again in the evening, he found ammunition being actively prepared by *Edwards*, Ings, and Hall. *Edwards* was making fuses for the hand-grenades: Ings dipping rope-yarn, picked for the purpose, into stuff to make the illumination-balls for Palin, who was to fire the houses, and Hall helping Ings by putting shreds of paper on the floor to receive these balls after they

came from the pot, in which each ball was to be wrapped up to prevent its sticking to the hand of the thrower.

After some little interval Adams went with Brunt to take his turn in watching Lord Harrowby's house, when an incident occurred, apparently of little moment, but which, as offering an opportunity for its confirmation by an entirely independent witness, became of consequence in the trial. Adams feeling tired, Brunt took him for refreshment to a public-house at the corner of the mews leading up to Lord Harrowby's, where they found some young men playing dominoes, with one of whom, on being challenged, Brunt played a game before they returned to their watch. Next day, the Wednesday of the Cabinet dinner, in the afternoon, Adams, on whom *Edwards* had called in the morning, went as usual to the rooms in Fox Court, and found at first only Brunt. Two strange men soon after came in, and commenced handling and trying the flints of a brace of pistols which were lying upon the drawers. On the whole party going into the usual meeting-room Adams saw a blunderbuss, and a number of cutlasses and pistols, besides those brought from the other room. The strangers at once proceeded to fix flints in the pistols, when Thistlewood came in and said, "Well, my lads, this looks like as if there was something to be done." He also spoke to Adams, and on his saying he felt unwell, told Brunt to send out for some gin and beer, as Adams was in low spirits. Whilst the liquor was being fetched an important step was taken by Thistlewood.

He wanted some paper to write some bills on, he

could not tell what to call it, but the paper on which the newspapers were printed. Adams said to him "Cartridge-paper will answer your purpose." Thistlewood said, "Who will fetch it?" to which Brunt replied, "My boy or the apprentice shall fetch the paper." Thistlewood gave Brunt a shilling to fetch half a dozen sheets: the paper was brought, and a table fetched out of Brunt's front-room, with a chair to enable Thistlewood to sit down and write. Thistlewood then sat down to write six bills, to be put on the buildings that might be set on fire, and afterwards read out the following words:—

"YOUR TYRANTS ARE DESTROYED.
"THE FRIENDS OF LIBERTY ARE CALLED UPON TO COME FORWARD.
"THE PROVISIONAL GOVERNMENT IS NOW SITTING.

"JAMES INGS, Secretary.
"*23rd February*, 1820."

Thistlewood, being excited and tired, at last persuaded Hall to sit down and write another bill at his dictation. To a verbal account of the contents of this bill an objection was taken, and as a portion of the Court had some doubt, the evidence was not pressed. At this meeting, Ings dressed himself armed for the murderous part he had volunteered to play.

"He put on," said Adams, "a black belt round his waist, in order to contain a brace of pistols; he put another black belt on to hang a cutlass; after these was a large bag hung on each shoulder in the form of a soldier's haversack. When he had done this he placed a brace of pistols, one on each side, hung a

cutlass, viewed himself, and says with an oath, 'I am not complete—I have forgot my steel,' and with that pulls out a large knife and began to brandish it about as if he were in the act of cutting the heads of those he intended to cut off. He said he would bring away a head in each hand, and the hand of Lord Castlereagh he would cut off, and procure that which might at a future day be thought much of; he repeated these expressions frequently. The knife was a broad-bladed one, from ten to twelve inches long, the handle bound with a wax-end, as he declared, to prevent his hand slipping in doing the thing. Whilst Ings was thus arming himself, the others were fixing the leathers to hold pistols and putting them in their belts. Another man was busy in putting the cutlasses into slings to hang by the wrist; it would be impossible to describe all the transactions. There was a cupboard in the room, in which the different things brought there were kept—swords, flannel bags for gun cartridges, pikes, on some of which ferrules had been fixed; others were at the depôt in Tidd's house in the Hole-in-the-Wall Passage in Baldwin's Gardens, in the room next to my own. Thistlewood was always in a hurry when anything was to be taken there for fear any one should see them, and might have some suspicion that there was something more than they were aware. The blunderbuss was given to the witness to carry under his coat, and he took a broomstick, prepared for a pike-head, as a walking-stick."

An adjournment now followed to the room over a stable in Cato Street, (an obscure street running from John Street to Queen Street in the Edgeware-road,) which had been hired by Harrison on the previous day. The access to this street at each end was very narrow, one only being practicable for carriages and the other closed with posts, so as to admit only foot-passengers. The stable itself was on the right-hand side as you entered from John Street, and nearly opposite to a small public-house called the "Horse and Groom." Nearly opposite its door a step ladder

led to two rooms above, in which preparations had been made for the meeting. Over the window of the loft a piece of canvas had been nailed to prevent the opposite neighbours from seeing in, and thither, all the afternoon of the 23rd, persons were seen going in with various parcels on their backs, presumably the arms and other articles of offence found in the room when the officers got possession. When Adams got there with Thistlewood and Brunt about fifteen of the party had assembled, who were increased to twenty before the abrupt conclusion of the meeting. Of these eighteen were in the room and two below at the ladder foot.

"When I went in," said Adams, "I saw a carpenter's bench, on which were arms of different descriptions; there was also a trunk near the window. I found those who were present handling the arms. After about twenty minutes Brunt came in and said that some one should go to Grosvenor Square, to see whether ministers were arriving, and Thistlewood went. On his return, hearing a great deal of talking in the stable below, I went down and found Thistlewood, Brunt, Davidson, Harrison, and Wilson all talking together. They saw me and said what good news they had got. I said, 'What good news?' And they said the carriages are getting there as fast as they can; no less than six or seven are already arrived. Tidd soon after came in, but before he came Thistlewood and Brunt were discussing his absence, and Ings said, 'Do not drop it now; if you do, I shall hang myself—I shall go mad.' When Tidd had come, Thistlewood began to count the men in the room, 'Let us see,' he said, 'eighteen in the room and two below stairs, altogether there are twenty; you say there are not sufficient to go; I say there are plenty.' Then he said, 'Fourteen would be sufficient to go into the room, and the other six would be sufficient to take care of the servants.' Then the fourteen men were picked out on that side of the room that the ladder led into, and on their being called together there, Brunt starts the gin-bottle round, and

Thistlewood said, 'Now, I conceive this number of men is sufficient? If Lord Harrowby has sixteen servants, they will not be prepared: we are. We can go and do what we have to do in ten minutes' time.'"

Within a few minutes after a noise was heard below, and a voice, "Holloa! show a light," and in an instant the officers came in the room, and the plot was frustrated. What followed in the *mêlée* will be more clearly told by Ruthven, the Bow Street officer, the first who sprang into the room, as Adams, probably by arrangement, slipped away, and was not apprehended until the night of Friday. On his cross-examination Adams admitted that he attended the meetings without any intention of joining in the assassination, though under that "pretence to every outward appearance." He professed to have intended surrendering to the officers, but on his getting out of the stable found that they had left, and then determined to take his chance, and that it was simply because he was conscience-stricken that he turned King's evidence, having made a solemn vow, after his arrest, that "if God would spare him, he would make a full disclosure."

Before this fellow was examined on the trial of Ings, the friends of the prisoners had raked up some facts about his religious belief that threw no little doubt on his professed conscientious convictions. Having been educated as a Christian, he had turned Deist on reading Paine's "Age of Reason," but stoutly denied he had ever gone so far as Atheism. His Deistic period had extended from August 1818 to the day when the conspirators were arrested, and

his return to Christianity only commenced when he found himself in gaol. He had known *Edwards* from the previous January, and in all probability was instructed by him to play the part he acted, so as to enable the prisoners to be convicted by the evidence of an accomplice, whose share in the plot was not open to such severe reproof as that of the hired Government spy.

According to Ruthven, acting on his instructions, he and a party of constables, about twelve in number, met at the stable on the night of the 23rd, and when they went in found a man with a blunderbuss on his shoulder and cutlass by his side, whom he ordered to be seized, and then running up the ladder observed several men in the loft, and heard a clattering of arms. "We are officers," he said, and then turning to his men, added, "Seize their arms!" Thistlewood, whom he knew from the time of the Spa Fields trials, was standing on the right-hand side of the table. He at once took up a sword and retreated into the inner room, and stood facing to prevent any one coming in. Smithers the officer approached him, when he thrust his arm forward and stabbed him, and the poor fellow fell back with a faint cry, "Oh, my God, I am done," and died on the spot. The lights were at once extinguished and a cry raised of "Kill them," and then a rush made by which the officers were driven back down the ladder, and forced out of the stable. During the struggle several shots were fired. On getting into John Street, Ruthven met the soldiers, and returned with them to the stable, where he found Ings, and, subsequently,

Davidson, Wilson, Bradburn, Monument, Cooper, Strange, and Gilchrist were brought to him in custody. Of the weapons found in the loft, he produced two swords, ten hand-grenades, and two fire-balls, as discovered by himself, the remainder being found by other officers, whom he instructed to retain them. Ings, the man at the foot of the ladder, was captured by another constable, at whom he fired, happily without effect, and when searched was found to have a belt with two brace of pistols on each side, two haversacks over his shoulder, some powder in a tin box, and the butcher's knife, the arms with which Adams had sworn he had provided himself at a previous meeting. Lieutenant Frederick Fitzclarence, who brought up a picket of the guards in support of the officers, spoke to his arresting some three or four of the party in the stable. Gradually others of the conspirators were seized until all the most active, with the exception of Palin, who escaped, and Edwards, who was of course left free, were in custody.

To complete the discovery of the weapons and ammunition, a room at Brunt's was searched, where two rush baskets, one tied up in an apron, an iron pot with the remains of tar in it, and a pike-shaft were found. In the baskets, besides rope-yarn, tar, and steel-filings, were four hand-grenades, a leather bag with sixty-three musket-balls, two flannel bags, each charged with one pound of powder, suitable for cannon cartridges, and five more bags not as yet charged. Tidd's, however, was the "depôt." There a box with nearly 1000 ball cartridges, a canvas cloth with ten hand-grenades, a quantity of powder, and a haversack with 171 more

ball cartridges, sixty-nine with a ball in them, but without powder, three pounds of powder, and 434 balls, were seized. Here also twenty-seven pike-handles were found. From the places where all this ammunition was stored, it would appear, that the design of the conspirators was to trust to the success of the assassination bringing others gradually to join them, and then to open their stores, and arm their increasing forces, in hopes of carrying out their entire programme.

Four more witnesses, more or less accomplices, were called to confirm the statement of Adams—Hiden, who gave the warning to Lord Harrowby, the two Monuments, and Dwyer, the Irish bricklayer. Hiden's statement if strictly true, showed how recklessly open the conspirators were in letting others into their secret. This witness, a milkman,—he was called by the larger name of cow-keeper, because he owned one of these animals,—met Wilson, a member of a shoemakers' club to which the witness had once belonged, a few days before the 23rd of February.

"Wilson met me in the street as I was walking, and asked me if I would be one of a party to come forward to destroy his Majesty's ministers at a Cabinet dinner. They were waiting for that, and all things were ready; they had such things as I never saw, which he called hand-grenades, and they depended on me to be one. The grenades were to be lighted with fuses and put in under the tables, and that all that escaped the explosion were to die by the sword or some other weapon. They were to light up some fires, and by so doing, it would keep the town in a state of confusion for some days, and it would be a general thing. He did not see Wilson again till the 23rd, but before that had seen Lord Harrowby. Met Wilson between four and five in Manchester Square; he called to me, and said I was the very man he wanted to see. I asked him what there was going

to be, and he said there was going to be a Cabinet dinner that night at Lord Harrowby's. I asked him where I was to meet them. He said I was to go up to Cato Street, the 'Horse and Groom' public-house, and go in there; or, otherwise, I was to stop at the corner till I was shown into a stable close by. I was to be there at six or a quarter before, and there would be from twenty to thirty there. There was to be another party in the Borough, another in Gray's Inn Lane, one in Gee's Court, or otherwise in the City—I cannot be certain which. At the first time he told me there was a gentleman's servant who had been supporting some of the party with some quantity of money, and if they would act upon the subject he would give them a great deal more. Asked me if I had a gun, and when I said a rubbishing one, told me they would provide me with a gun and something to work. He then told me about the cannon in Gray's Inn Lane and the artillery-ground, and that after doing the great thing in Grosvenor Square, they were to retreat and meet somewhere near the Mansion House."

Hiden, who, it must be admitted, never took heartily to the affair, and apparently only joined so far as to enable him to disclose it, went to the rendezvous, where he met Wilson and Davidson, and then left on the excuse that he had to get some cream for a customer, and did not meddle further with the matter.

John Monument had been met by Thistlewood as far back as the winter of the previous year, when apparently nothing of importance passed; in January, however, he called on him with Brunt, at the witness's lodgings, and, as Monument's brother and mother were there, called him out and spoke to him privately on the landing. From what he had seen of Monument on the first occasion, or probably since heard of him from Brunt, he without hesitation told him that "great events were at hand, the people were everywhere anxious for a change." Speaking then of

the men who had promised support and since deserted him, he said he had now got men who would stand by him, and asked him whether he had arms, and when Monument said he had not, said every one now ought to be armed, every one who now stood by him had either a sabre, a pike, or a pistol. As yet Monument had no idea what the plan was.

On the 22nd of February, however, Brunt and Tidd called on him, the countersign was revealed, and he was told that he would know the nature of the design at the meeting next night Next day, between four and five in the afternoon, Brunt called on him, sent him to Tidd's house, where he saw Tidd arm himself with a large horse-pistol, and then wrap up eight or ten spikes—made out of files ground sharp—put them under his coat, and having taken a staff about four feet long fitted for a pike-head, they left for Cato Street, where they entered the stable. Monument's account of what followed, though varying in some details, corresponded in the main with that of Adams. In the attack by the officers, Monument was one of those arrested on the spot. The only persons whom he knew were Thistlewood, Brunt, and Tidd, and a man of colour, the prisoner Davidson. On his cross-examination, he denied any knowledge of *Edwards*, but on re-examination by the Solicitor-General, admitted that when brought before the council at Whitehall, Thistlewood had asked him to say that *Edwards* brought him to the meeting. When Monument refused to tell such a lie, Thistlewood laughingly said "it did not matter, but if he was asked to describe *Edwards* to say he was a man of about his own height, of a

sallow complexion and dressed in a brown coat," such a person having been spoken of by Adams as attending several of the meetings. He had been kept separately from Adams, and had never seen him except when before the grand jury, and that day in Court. This witness's brother had heard the conversation in which Brunt revealed the password, and instructed his brother to go to Tidd's house. He had not the curiosity, he swore, to ask what it was all about, and was determined not to inquire.

Dwyer, the Irish bricklayer, was the last of the accomplices that was called. He had seen Davidson twice before the 23rd, and been introduced by him to Thistlewood, who, he declared, made no revelation of the plot to him, but only talked about having been in several previous revolutions, and that he had a good many Irishmen as his supporters. On the evening of the 22nd, Harrison called on Dwyer at his lodgings, and took him to the room in Fox Court, where he was shown a hand-grenade, and afterwards met several of the prisoners, including Thistlewood and Davidson, the latter armed with a blunderbuss, a pair of pistols, and a bayonet. Then Thistlewood explained to him that the grenades were to be used for firing the horse-barracks, and at Lord Harrowby's, and asked him how many of his countrymen he could bring. Dwyer said five or six-and-twenty, and was told to meet them at a public-house in a court near Wigmore Street frequented by the Irish, "take a few—the best of them—to the Foundling Hospital, knock at the lodge, put a pistol to the porter's breast, turn down to the right hand, where there were five or

six-and-twenty stand of arms at the next lodge." The proposed seizure of the cannon and the attack on Lord Harrowby's were then spoken of. Whilst there he saw a bundle of gunpowder brought out of a cupboard, and several flannel bags filled from it, and he heard directions given to take some pikes to the "Horse and Groom." He also saw Harrison take away a bag with grenades, the powder-bags, and the pike-heads. Soon after this he left, went at once to a Major James with the information, and was by him sent on to the office of the Secretary of State.

A vigorous attempt was made on the part of the prisoner to expose the character of this witness, by calling one Huckleston, who had been a shoemaker, but was then a cow-doctor, who swore that Dwyer, who had denied any knowledge of him, was well-known to him for some years, and not to be believed on his oath. Dwyer, he declared, had tried to induce him to extort money from gentlemen by false accusations of unnatural offences, that he went with him once to Hyde Park on that errand, but afterwards refused to join him, yet kept Dwyer's malpractices to himself, for fear of the Irishmen which were around his place. Dwyer was recalled, and though he now admitted that he knew Huckleston by sight, protested that he did not know his name—utterly denied the imputation of getting his living by such a horrible practice as Huckleston had spoken to, and to rebut the story of his having told Huckleston that he made 70*l.* out of one of his false accusations, swore that he was glad to work at the parish mill for 3*s.* a day before he obtained his present employment.

The jury, on this attempt to discredit Dwyer, suggested that Major James should be called, to ask him if Dwyer really did communicate with him as he had sworn. Next day the major was present. As, however, his name was not on the list of witnesses for the Crown given to the prisoner, the prosecution could not call him, and Mr. Adolphus probably exercised a wise discretion in not making him his witness. The jury drew the inevitable conclusion that in this important point Dwyer had spoken the truth, and in consequence attached more credit to the remainder of his evidence.

To confirm these revelations made by the accomplices, numerous witnesses were called, of whom the most material was the apprentice of Brunt.

"I remember," he said, "a person taking the back room, two-pair stairs, in Fox Court; that person was Ings; Brunt and he looked at the room together. When they came out of the room I heard Brunt say to Ings, 'It will do; go down and give her a shilling.' After that Ings used to come to the room; he left the key at Brunt's when he went out. Every evening a number of visitors used to come to them; among them constantly, Thistlewood, Tidd, Braburn, *Edwards*, Hall, Potter, Strange, Adams, and Davidson, the man of colour, and more whose names I do not know. There was no furniture in the room; they used to take chairs out of Brunt's room to sit on. They used to call Thistlewood 'T,' and sometimes 'Arthur.' When the door has been open, I have seen long poles like rough branches of trees; about twenty were in the room. I have heard hammering and sawing. Brunt was taken up on Thursday, the 24th of February. On the Sunday morning before that there was a meeting of a larger number than I had seen before; all those I named before were there. After the meeting broke up, Strange remained in my master's room; there was a meeting on Monday evening, and on Tuesday several persons came in

and out. On Wednesday, the 24th, some men came into master's workshop; they had got some pistols, and were putting new flints into them; there were five or six pistols. Some of the men said there were people overlooking them, and Brunt told them to go into the back room. Strange and a man I do not know were putting in the flints. In the course of the afternoon Thistlewood asked me for a piece of writing-paper, and took it into the back room; after that my master came out and ordered me to get six sheets of cartridge-paper, and gave me sixpence. I got them, gave them to my master, who took them into the back room; this was between four and five in the afternoon. My master went away about six, a man went with him who was a stranger. I handed a table from my mistress's room into the back room that day. When my mistress was going to tea we wanted it, so I knocked at the door of the back room and a man named Potter gave it out. By the opening of the door I saw four or five persons in the room. I saw Tidd after my master was gone. Between seven and eight Mrs. Brunt called Tidd to her and showed him a cupboard in which were a sword and a pike-head, and asked what she should do with them; he took them into the back room, and soon after went away, leaving word for any one who came to follow to the 'White Hart.' Potter and others came and went on. My master came home about nine o'clock the same night, his dress was dirty, and he was confused, and told his wife 'it was all up; where he had been, a great many officers had come in, and he had saved his life, and that was all.' Just then another man came in, and asked him if he knew who had informed. 'No,' he said, 'he had had a dreadful blow on the side, and was knocked down.' Brunt said, 'Something more is to be done,' and he and the man went out. After they were gone, Mrs. Brunt and I went into the back room, where we found one of the poles I had seen before, and in the cupboard were several rolls of brown paper with tar in them, some paper twisted up, and some things as big as my two fists with strings round them, and an iron pot that Brunt had had some time before. At eleven my master returned and said he would want me to get up as early as possible next morning to clean his boots, which were very dirty. He called me next morning at half-past six, and asked me if I knew the

Borough, which I did, but not Snow's Fields. We then went into the back room, where I took two baskets by his direction, and we put the things out of the cupboard into them; he told me they were going to Potter's in Snow's Fields. One of the baskets was tied with a blue apron that had been used as a curtain in Ings's room. I went into Brunt's room to look for something to tie the other basket in, when two officers came in and arrested Brunt. Tidd lived in the Hole-in-the-wall Passage, Brook's Market, and Adams next door to him."

In addition to this confirmation of so many of the details of Adams's statement, the watchman in Grosvenor Square remembered four suspicious-looking persons walking about it, and identified one of them as Davidson, the black man. Another witness remembered the incident of a tall man and short one in a brown coat (Adams and Brunt), coming for refreshment into the public-house at the corner of the mews in Grosvenor Square, and the latter playing a game of dominoes with a stranger. A cutler in Drury Lane swore to Ings bringing one of the swords found in Cato Street to him to be ground, and taking it away afterwards. A pawnbroker remembered Davidson taking a blunderbuss out of pawn on the 23rd. Lord Harrowby confirmed Hiden's story, and his butler spoke to the arrangements for the dinner being continued until he heard from his master late in the evening, and to the dinner at the Archbishop's next door, by the arrivals at which the conspirators were led to believe that the Cabinet were assembling at Lord Harrowby's.

Again, on the capture of Ings, he was found armed as described by Adams, and with the two bags slung from his shoulders; the baskets seized at Brunt's,

with the contents spoken to by the apprentice were produced; from the depôt at Tidd's, came the stores of ammunition already described, and the deadly nature of the hand-grenades was explained by Sergeant Harrison, of the artillery.

To meet this evidence the prisoner called Tidd's daughter, who swore that the things found at her father's had been brought there on the 24th by Edwards, but admitted that she had seen similar things there before, and so rather confirmed than diminished the evidence for the prosecution. The endeavour to discredit the evidence of Dwyer has already been mentioned, and with an attempt, (which, if it did not fail entirely, did not amount to any clear proof,) to show that the notice in the *New Times* of the intended dinner was an invention of Edwards to trap the prisoners, the evidence on both sides concluded.

The defence attempted by the prisoner's counsel was necessarily of a desperate character. They admitted the intention to assassinate ministers, but urged, as in Watson's case, for the Spa Fields riot, that the whole evidence of high treason rested on the statements of the accomplices, unless the jury held that it was proved that the bills were written by Thistlewood. The absurdity of proposing to stick these on the burning houses was made the most of, and the venerable argument, which we have seen used in the previous cases of Despard, Emmett, and other conspirators, of supposing that such a firmly fixed Government as that of England could be overthrown by such a petty conspiracy, urged again and again. Counsel went so far as to admit that besides

murder, a riot for the purposes of plunder might be intended, and suggested that the bags carried by Ings were rather with the object of carrying off the plate, than the heads of Castlereagh and Sidmouth. So clearly, however, did the Chief Justice point out the numerous confirmations of the statements of the leading accomplice (Adams) by witnesses against whom no imputations could be raised, that the jury were only five minutes before they returned a verdict of Guilty.

On subsequent days Ings, Brunt, Davidson, and Tidd were tried by fresh juries, on similar evidence (Adams giving some new details specially relative to each prisoner's case), and found guilty. On this the remaining prisoners withdrew their pleas of not guilty, and pleaded guilty, and with the conviction of the whole the trials ended.

When called up for judgment Thistlewood declared that "he was murdered, according to the etiquette of the Court," because not allowed after the close of his counsel's speech to call witnesses to prove what a villain Dwyer was, and that Adams and Hiden were swindlers. "Judges," he said, "in all cases between the Crown and the people are their implacable enemies. In every case they charge juries to find the prisoner guilty." He then related his first interview with Edwards, with the temptations offered to him by the spy, as already related, and justified the assassination of ministers as tyrants, by the examples of Brutus and Cassius. At last he became so violent in his address as to require the interference of the Court. Ings also threw the whole blame on

Edwards, and denounced him as the real instigator. Brunt, on his trial, who, after his counsel had concluded, had attacked the character of his apprentice on points which, if true, would have proved him a thief, but on none of which he had been asked a word on cross-examination, like the rest, said what was in all probability the truth, that Edwards was the instigator. Davidson told a long, rambling story of getting the blunderbuss in a raffle, and enlarged on the industrious and honest life which he had led. Harrison, Bradburn, and Strange were content to denounce the evidence against them as false and perjured, and Gilchrist attributed his presence at such meetings to his poverty.

Though the usual sentence for high treason, with all its disgusting details, was passed on all the prisoners, the lives of those who had pleaded guilty were spared, and they were transported for life; and only Thistlewood, Ings, Brunt, Davidson, and Tidd executed.[4]

[4] Among the rumours of the day was one that Mr. Wakley, afterwards the well-known coroner, who had at that time no enviable notoriety, was the person who decapitated the criminals. In consequence, on the 25th of September, he wrote to Sheriff Parkins for an explanation, and was assured, in reply, that the imputation was unfounded, and the disgusting office performed by a resurrectionist, for which 20*l.* was paid to him.—*Annual Register* of that date. The usual horrible details were omitted, with the exception of decapitation and the exposure of the heads of the criminals to the bystanders.

CHAPTER X.

GEORGE IV. AND HIS QUEEN. THE DELICATE INVESTIGATION, 1806. THE BILL OF PAINS AND PENALTIES, 1820.

CAROLINE of Brunswick, whose career occupied so large a portion of the domestic annals of the closing years of the eighteenth century, and the regency and reign of George IV., was the second daughter of Charles, Duke of Brunswick, who fell mortally wounded at the battle of Jena in 1806, and Augusta, the sister of George III. Born in 1768, from her youth she was subject to the deleterious influence of the example of open immorality on the part of her father,[1] whose mistress, for thirty years, occupied, in his petty court, an equal position with

[1] "Memoirs of the Times of George IV.," by Lady Charlotte Bury, under date of December 9, 1810. Quotations from this diary must be made under great reserve, where they reflect, as they constantly do, on the conduct of the princess and her visitors. Dates are so misplaced, or omitted, facts so misrepresented, and the whole work so disfigured by bad taste, not to use a stronger epithet, that but little reliance can be generally placed on its professed revelations.

his neglected wife. Pretty as a child, she grew up "a pretty woman, with light hair, very delicately-formed features, a fine complexion, quick glancing eyes, large but rather sunk in the head, which gave them much expression, and a remarkably delicately-formed mouth," the only blemish to her appearance being an over-large head and too short a neck. In 1794, when her marriage with the then Prince of Wales was proposed, she had still the same pretty face and fine eyes, though there was a want of softness in her expression and of grace in her figure. Naturally clever, she thought herself more clever, and took part in conversation with a freedom and unreservedness that grew upon her in later years to such an extent as to lead to her remarks being misinterpreted greatly to her own discredit. Naturally curious, addicted to gossiping, quick in observation, she took a foolish pride in finding out everything, and thought herself particularly acute in the discovery of early affections, which led her at times to make improper remarks and observations on the presumed relations between other persons. With all classes she was even more familiar in her acts and her remarks than is usual with foreigners, and especially kind, to an excess, to her inferiors. Her carelessness in dress, if it did not amount to a want of cleanliness, was but little likely to suit the taste of such a fastidious dandy as the Prince of Wales, and her want of education, even in the common accomplishments of writing and spelling, certain to be distasteful to one who, with all his faults and failings, was an educated gentleman. With a sad foresight of the future, it was

said by Lord Malmesbury, "In the hands of a steady, sensible man she would probably do well, but where it is likely she will find faults analogous to her own, she will fail."[2] Such, we are told, was the intended consort of the selfish, fastidious, licentious Prince of Wales, "the victim of mammon, married to pay the debts with which he was overburdened."

Her future husband was only a few years her senior, yet he had already discarded more than one mistress, and gone through a ceremony of marriage with a fascinating widow of fortune and high social position which he, at any rate, knew to be a sham and a decep-

[2] Diaries of Mr. Harris (Lord Malmesbury), who was sent to Brunswick to negotiate the marriage, and who gave the princess excellent advice on her future conduct, hardly in the terms in which royalties are usually addressed (Diaries, vol. iv. p. 148, *et seq.*). Canning, in the House of Commons, said "she was formed to be the life, grace, and ornament of polished society." "Her talents," writes Lord Brougham, "were far above the ordinary level of women, and had her education not been below the ordinary stock of princesses, they would have decked her as accomplishments remarkable for any station. No person, in such a station, ever showed such entire freedom from haughtiness and pride or more habitually estimated all who approached her by their intrinsic merits. The first duchess in the land, or the humblest of its peasants, were alike welcome to her, if their endowments and their dispositions claimed her regard; and if by accident of birth she was more frequently thrown into the fellowship of the one, she could relish the talk, seek out the merits, admire the virtues, and interest herself in the fortunes of the other, without ever feeling the differences of their ranks, or even so far as to betray in her manner that she was honouring them by her condescension. All thus might be well charmed with her good-nature, lively humour, and kindly demeanour, while no one ever thought of praising her affability."—*Edinburgh Review*, 1838.

tion. Equivocation was natural to him. His father, indeed, said of him "that he always had a lie ready when it was wanted." He knew his own failing. "Above all," he said to Lady Spencer about the choice of a governess for his daughter. "Above all, you must teach her to tell the truth. You know I don't speak the truth, and my brothers don't; I find it a great defect, from which I would have my daughter free. We were brought up badly, the queen taught us to equivocate."[3] Whilst a mere boy he secretly indulged in drinking, and eventually broke down a fine constitution by constant and increasing indulgence in that demoralizing habit. He was but a youth when he selected Perdita Robinson, the actress, as the earliest of his many "female favourites," and only recovered from her his correspondence by a payment of 5000*l.* and an annuity for her life.[4] Before he came of age, by his extravagance on the turf, he had far exceeded the allowance received from his father, and, thanks to the evil counsels and example of his uncle of Cumberland, Egalité, and Charles Fox, became notorious for the immorality and the reckless revelry of his life.

Such a career could have but the one result, a daily increase of debts, to meet which he was already having recourse to secret loans from Egalité and others, the settlement of some of which burdened him

[3] Torren's "Life of Lord Melbourne," pp. 156-7.

[4] He had given her a bond for 20,000*l.* which C. Fox obtained from her in consideration of an annuity of 400*l.* The bonds to "Egalité" were also recovered by Fox, to whom the prince denied their existence until Fox pulled them out of his pocket and showed them to him.

for many years afterwards. At his majority, in 1783, he admitted debts to the amount of 30,000*l.*, and though the grant by the king from his civil list, of 50,000*l.* a year, with the revenues to which he then succeeded as Duke of Cornwall, increased his income to 65,000*l.*, two years after he had to confess to 160,000*l.* of debt. When a quarter of a million was asked and refused, he held himself out to the public as a prince reduced to poverty by the meanness of his father, threatened to go abroad, talked of never marrying, and letting the crown lapse to his brother of York. An immediate reduction was ostensibly made in his expenditure, half of Carlton House closed, servants discharged, horses sold, and his poverty made all the more public by driving to Brighton in a hired chaise. At the close of November, 1785, he went through a ceremony of marriage with the widow Fitzherbert, whom he had pertinaciously pursued for the previous two years, and at last persuaded to submit to this degradation by assuring her that his father would sanction the alliance. About this ceremony there is no longer any mystery. The certificate of marriage still exists sealed up at Coutts's bank, and though the names of the witnesses were subsequently torn off as a precaution, it is now known that so far as a religious ceremony, all was done to make it effectual according to the principles of the Roman Catholic Church, though it must have been well known to both parties that it was invalid according to the law of England.[5]

[5] The painful story is related by the Honourable C. Langdale in his "Memoir of Mrs. Fitzherbert," published in 1856, in the

How the prince instructed C. Fox to deny this ceremony in the House of Commons, and sought to make Mr. Grey explain his falsehood is matter of history. For a few years he appeared to economize. In reality his debts were steadily accumulating until they exceeded half a million of money, and as a last resource, in 1794, he assured his father that he had finally separated from Mrs. Fitzherbert, and was anxious to enter on a more creditable life by marrying, expressing a wish that the king's niece, the ill-fated Princess of Brunswick might be his future wife. The king's answer was cautious. He expressed his satisfaction, "provided his plan was to lead a life that would make him *appear* respectable, and consequently render him happy."[6] Yet at this very time he had selected a new female favourite, whom he compelled his wife to accept as her chief lady-in-waiting.

What good could be expected from such an alliance? Well might the princess, in after-years,

interest of course of the lady and her religion. Mary Anne Smythe was born in 1756, and in 1775 married Edward Weld, of Lulworth Castle, and secondly, in 1778, Thomas Fitzherbert, of Swinnerton, Staffordshire, who died in 1781, leaving her childless with a fortune of 2000*l.* a year. Four years after, when at the age of twenty-nine, she consented to go through a ceremony of marriage with the prince, who was six years her junior. The story of his pretended attempt on his life, in order to persuade her that he would kill himself if she did not consent, is too well-known to need repetition. To the prince she proved a true wife, and in his difficulties he subsequently found her income a great relief from his embarrassments. She lived until 1837, and, despite her questionable position, was deservedly respected by the royal family and the nobility.

[6] George III. to the prince, August 24, 1794.

declare that she "was the victim of mammon. The Prince of Wales's debts must be paid, and poor little I's person was the pretence;" "to tell God's truth, I always hated it, but to oblige my father—anything."[7] On the 8th of April, 1795, this ill-omened marriage was celebrated. Even at the ceremony, the prince openly showed his dislike to the princess; and on the very day of the wedding there is good reason to believe that he treated her with contempt and neglect. After two days at Windsor, he took her to his country residence at Kempshott with *the* one lady-in-waiting, and a select set of "his blackguard companions, who were constantly drunk, sleeping and snoring in their boots on the sofas."[8] After two or three weeks a kind of separation commenced in private, though until Parliament could meet and settle his pecuniary wants, some decent appearance was kept up in public. Is it surprising that under such treatment by her husband, and amid such scenes, the princess should not have allowed her natural failings to be seen, and to have exhibited manners but little suitable to her

[7] Conversation at Kensington Palace with the princess, quoted in Lady Charlotte Bury's work, vol. i., but without any date, probably in 1811.

[8] On the authority of Sir G. Elliott's Diaries, vol. iii. p. 14. Mr. Fitzgerald, in his late "Life of George IV.," states that Lord George Seymour told the present Lord Houghton that at a convivial party during the honeymoon, at which he and Lord Coleraine were present, punch and pipes were introduced, and when *the* lady-in-waiting had sipped a little from her glass, the prince, in a marked way, took it; on which the princess seized Lord Coleraine's pipe, and gave a sort of contemptuous puff with it at the prince.

position? The prince professed to be disgusted at them, and to complain that he had not been warned in time; though in truth she was by no means so voluble as he asserted, and bore her treatment with submission.

In the ministerial proposals for his income, the prince professed to find another ground for complaint. He declared that one—*the one*—condition of his marrying was the payment of the enormous debts he had accumulated. The condition was denied, and Pitt could not be driven into admitting such a claim. His income, with his Duchy rents, was raised to 140,000*l.*, besides liberal grants for jewels and that sink of money, Carlton House, and his debts left to be paid off by a deduction of 25,000*l.* a year from his revenue. For a time the prince refused to accede to the arrangements, and prompted his political friends to claim an examination of the accounts of the Duchy, from which they professed to believe, probably with some truth, that a large balance was due, after a liberal allowance for the expenses during his minority. The minister was firm, and in the end the prince gave way and accepted the proposals of the Government. And so with an only outward appearance of decency the year of the marriage closed.

On the 7th of January, 1796, the Princess Charlotte was born,[9] and within a few months after, the separa-

[9] Whatever sins of omission or commission the prince was guilty of towards the princess, he certainly did not, as his latest biographer appears to believe, hurry her suddenly, on the eve of her confinement, from Hampton Court to St. James's Palace—in neither of which places did he ever live—and in consequence receive the bitter letter from his father which Mr. Fitzgerald, on

tion, hitherto private, was publicly announced in a letter to the princess, not unjustly denounced as "a letter of licence."

"Our inclinations," wrote the prince on the 30th April, "are not in our power, nor should either of us be held answerable to the other because nature has not made us suitable to each other. Tranquil and comfortable society is, however, in our power; let our intercourse, therefore, be restricted to that, and I will distinctly subscribe to the condition, which you require through Lord Cholmondeley, that even in the event of any accident happening to my daughter, which I trust Providence in His mercy will avert, I shall not infringe the terms of the restriction by proposing, at any period, a connexion of a more particular nature. I shall now close this disagreeable correspondence, trusting that as we have both completely explained ourselves to each other, the rest of our lives will be passed in uninterrupted tranquillity."[1]

The reply of the princess, which Lord Thurlow declares was written by herself, and without any assistance from him, was marked with good sense and discretion.

the authority of Lord Brougham, quotes in full. The letter in question, as will be found in any popular history of the reign of George II., was written by him to Frederick, Prince of Wales, the father of George III., on the birth of his first child. Lord Brougham's inaccuracy, and even ignorance of history was so notorious, that probably he believed that the letter which the princess, he declares, showed him ("Memoirs," vol. iii. p.155) was written by her husband's father, and not by his grandfather. The princess may have been deceived by some clever hoaxer, but Mr. Fitzgerald ought not to have fallen into the trap. It is to be regretted that his volumes, so replete with interest and amusement, and furnishing the best account as yet given of the society of the day, are disfigured by this and other historical inaccuracies.

[1] The substance of this letter had been previously communi-

"The avowal of your conversation with Lord Cholmondeley neither surprises nor offends me. It merely confirms what you have tacitly insinuated for this twelvemonth. But after this, it would be a want of delicacy, or rather an unworthy menace in me, were I to complain of those conditions which you impose on yourself.

"I should have returned no answer to your letter, if I had not conceived its terms to make it doubtful, whether this arrangement proceeds from you or me, and you are aware that the credit of it belongs to you alone.

"The letter which you announce to me as the last, obliges me to communicate to the king, as to my sovereign and my father, both your avowal and my answer. You will find enclosed my letter to the king; I apprise you of it, that I may not incur the slightest reproach of duplicity from you. As I have at this moment no protector but his Majesty, I refer myself solely to him upon this subject, and if my conduct meets with his approbation, I shall in some degree be consoled. I retain every sentiment of gratitude for the situation in which I find myself, as Princess of Wales, enabled, by your means, to indulge in the free exercise of a duty dear to my heart—I mean charity. It will be my duty to act upon another motive, that of giving an example of patience and resignation under every trial. Do me the justice to believe that I shall never cease to pray for your happiness, and to be,

"Your much devoted,

"CAROLINE.

"6th May, 1796."

The good old king advised a reconciliation on the basis of the dismissal of the "female favourite," and that on both sides all reproaches should be avoided, as well as any confidences with third parties. To this suggestion the princess gladly assented, but

cated to the princess in a message through Lord Cholmondeley. But she thought it to be infinitely too important to rest upon a mere verbal communication, and therefore desired that the prince's pleasure should be conveyed in writing.

her letter to her husband, in which she communicated the king's wish, remained unanswered. She therefore removed at once to Kensington Palace, and subsequently to Montague House, Blackheath ; whilst the prince returned to Carlton House, and resumed his former habits. Within two years, the reigning "female favourite" was discarded, a reconciliation publicly effected with Mrs. Fitzherbert,—the prince's interpretation of his promise to his father to *appear* to lead a more creditable life.[2]

[2] According to Mr. Langdale (*ex relatione* Lord Stourton), Mrs. Fitzherbert, besides being almost persecuted by the prince to return to him, was pressed by members of the royal family, both male and female, to consent to a reconciliation, *even upon a principle of duty*. However, as by his marriage with the princess she was placed in a situation of much difficulty *involving her own conscience*, and making it doubtful if public scandal might not interfere with her own engagements, she determined to resort to the highest authorities of her own church upon a case of such extraordinary intimacy. The Rev. Mr. Messan, one of the chaplains at Warwick Street, was therefore selected to go to Rome and lay the case before that tribunal, upon the express understanding that if the answer was favourable, she would again join the prince, otherwise she was determined to abandon the country. In the meantime, whilst this promise was pending, she obtained a promise from his Royal Highness that he would not follow her into her retreat in Wales. *The reply from Rome, in a brief, which in a moment of panic she destroyed, fearful of the consequences during Perceval's administration, was favourable*, and, faithful to her own determination, she resisted all importunities to meet him clandestinely. The day on which she joined him was the same on which she gave a breakfast to the whole of London, to which he was invited. A sight of this brief would have been interesting, probably it was a re-edition of that which Clement was said to have proposed to give Henry VIII., allowing him to have two wives. (Langdale's "Memoir," p. 128.) One

The princess's life at Kensington and Blackheath, though no doubt its weaknesses and its follies are exaggerated by her gossiping waiting-maid, was far from discreet. She indulged her natural kindness of heart and habits of familiarity with inferiors to an excess, that could not but be misinterpreted to her discredit, and slowly but steadily lost the respect in which she had been held by many of the first nobility of the realm. Her separation from the Princess Charlotte, and her cold treatment by the queen naturally irritated an irritable nature, and led her to many follies which she would otherwise have avoided. The old king was her only friend at Court, and his influence was again and again counteracted by the harsh feeling of the queen, and the enmity of some of her royal brothers-in-law. With the people she was still popular. Her almost inordinate love of children, leading her to the adoption of the child of a poor workman in Deptford Dockyard, threw grave suspicions on her morality, to which her freedom of speech and conduct in the social circle she had drawn round her in her retirement added strength. Within a few years after the separation, rumour was busy with her character and conduct, until at last it assumed a definite charge that the adopted boy was her illegitimate child, and that her villa at Blackheath was the scene of acts as discreditable as those of her husband.

would hope, for the credit of the Roman Church, that this statement of Mr. Langdale's is a fiction.

THE DELICATE INVESTIGATION.

At last, in the autumn of 1805, these rumours assumed the character of definite charges on the part of the wife of a Sir John Douglas, an officer of Marines, whose residence was near to that of the princess on Blackheath. Irritated at being refused admittance to Montague House, where they had previously visited on most intimate terms, followed, as they professed to believe, by an anonymous letter and a pen-and-ink sketch reflecting on the character of Lady Douglas, Sir John, on the authority of his wife, made such statements to the Duke of Sussex, whose equerry he was, that the duke felt bound to communicate them to the prince.[3] The result was that Sir John and his wife were called upon for details, and the subsequent receipt by the prince of a lengthy statement from them, dated the 3rd of December, 1805. In this, in addition to improper familiarities with Sir Sidney Smith, Captain Manby, Lawrence the artist, and the Honourable Mr. Hood, Lady Douglas declared that the princess had confessed to her that the adopted

[3] Sir John had previously gone to the Duke of Kent, to whom, however, he did not reveal any portion of his wife's criminal charges against the princess, but confined himself to the anonymous letter and the sketch. The Duke, in consequence, saw Sir Sidney Smith, and advised him to persuade Sir John, "under existing circumstances, to remain quiet if unmolested." Lord Cholmondeley, during the examination by the Commissioners, gave it as his decided opinion that the abusive letter to Lady Douglas was not in the princess's handwriting, and that the other documents were in a feigned hand, in which here and there were letters like those written by her.

child, William Austin, was her own son, and that she had been confined of him at Montague House early in November, 1803. On such a declaration from persons of position, the prince, despite his own life, could hardly allow himself to treat the matter any longer as a mere rumour, nor could the king refuse to take some decided step to arrive at the truth. With this object, on the 29th of May, 1806, a commission was issued to the Chancellor (Lord Erskine), Lords Grenville and Spencer, and Lord Chief Justice Ellenborough to inquire into the truth of the Douglas declarations and to report their opinion to the king. The inquiry that ensued, protracted over five months, was secret and entirely *ex parte*. Not only Lady Douglas, but the attendants and servants of the princess were examined without any previous communication with her, and no one was allowed to be present on her part, though Sir Samuel Romilly, as Attorney-General, attended on behalf of the Crown during a portion of the proceedings. When at last the evidence was brought to a close, it was not until a month after the report of the commissioners, entirely acquitting her of the imputed maternity of her *protégé*, had been forwarded to the king, that a copy of it was transmitted to the princess herself, with the depositions of the witnesses.[4]

[4] To "The Book," from which the following facts are quoted, a curious and somewhat doubtful history attaches. The most reliable account is that it was printed under the supervision of Perceval and Lord Eldon, who were then the advisers of the princess, at a private press in the house of one of them, and only a few copies allowed to be given to her friends, among

The lengthy statement sent by Lady Douglas to the prince is so replete with what she heard, thought, and suspected, that it would be only waste of space to analyze it. Any one who wades through its fifty pages, of invention and personal abuse, will agree with Lord Thurlow, that "the greater portion of it was incredible, that it had no composition, no dates, and was in some parts grossly improbable." To judge from her deposition before the Commissioners, her tendency to gossip was severely repressed by them, and her evidence, such as it was, confined to facts. As for Sir John, he was simply wife-ridden, and the mouth-piece of his wife's statements.

According to Lady Douglas, she became acquainted with the princess in November, 1801. Seeing her

whom Canning was one, but who returned his copy. It was said to have been held *in terrorem* by Perceval over the Regent to prevent his return to the Whigs, and eventually Perceval attempted to have the whole issue destroyed. A few copies escaped, and were sold at almost fabulous prices, from 150*l.* to 500*l.* each. The copy from which the extracts are made was printed in 1813 from a copy made by Mr. Edwards. It contains the famous letter to the king, prepared by Perceval, in which the evidence was mercilessly dissected, with the depositions in full, the first statement by Lady Douglas to the prince, and the whole of the correspondence between the king and his daughter-in-law. According to Lord Brougham (contributions to the *Edinburgh Review*, vol. i. p. 465, article on "George IV. and Queen Caroline"), "The Book" was prepared in council with the king, and was intended to sound the alarm against Carlton House and the Whigs, when a still more favourable opportunity offered of making a breach with the latter on the Catholic question. Another report is that it was a copy of the depositions and documents privately printed for the use of the prince and his advisers.

walking backwards and forwards on the snow before Sir John's house, at the suggestion of a friend, she went to her, and inquired if she wanted anything. The princess replied in the negative, but said that as Lady Douglas had a very pretty little girl, she would come in and see it. Subsequently to this she and her husband were repeatedly invited to Montague House, and the princess frequently dined with the Douglases. In May or June the princess talked much to her of Sir Sidney Smith, who, as a friend, often stayed at Sir John's house, and for a fortnight in March Lady Douglas took the place of one of the attendant ladies who was ill. In the June of that year the princess came to her house, and with but little preface told her she was pregnant; that at Lady Willoughby's she had, in consequence, been obliged to leave the breakfast-room suddenly and throw a napkin over her bosom to conceal an unmistakable sign; and that as she had slept two nights at Carlton House, she should say that the child, especially if a boy, was the prince's. She added that she would tell everything to her dresser, Mrs. Sander, as she was discreet, send one lady-in-waiting to Brunswick, and another, who was too young to be trusted, out of the way. When Lady Douglas herself was confined, the princess forced her way into her bedroom, though the medical man tried to prevent her, and took the child as it was born. Apparently after that (for her ladyship is very economical in giving dates) the princess told her that she should account for the presence of the child by having infants brought to her in baskets, and that two had already been brought,

but taken back by their father. Previously to Lady Douglas's confinement she told her that she had been bled twice by Dr. Edmeades, and recommended the same course to her ladyship as likely to assist her in her accouchement. On the 30th or 31st of October she again saw the princess walking, and her pregnancy was even more evident than before, notwithstanding the precautions in dressing which she had for some time adopted.

At the end of December the witness left for Gloucestershire, and on her return in January, 1803, saw the child, known as William Austin, at Montague House, and was told by the princess that she had been confined of him two days after she last saw Lady Douglas. Independently of the princess's confessions, Lady Douglas swore that she saw that the princess was pregnant in 1802. To Sir John, however, the princess introduced the child as "The Deptford boy." Again, the Douglases went away on a visit, and when they returned, in 1804, left a card at Montague House, the reply to which was not the usual invitation, but a letter from Mrs. Vernon, the lady-in-waiting, requesting her not to call again. *Hinc illæ iræ.* Lady Douglas then wrote a letter, threatening to tell Mrs. Vernon all she knew, which as yet she declared she had never disclosed; and the letter, as might be expected, was returned, unopened. The witness then wrote to another of the princess's ladies, complaining of being extremely ill-used, and in two or three days received an anonymous letter reflecting on her character; and Sir John, about the same time, received by post another, containing a

pen-and-ink sketch, representing Lady Douglas in an indecent situation with her friend Sir Sidney Smith. In language that would have disgraced the most worthless woman, she declared that the princess had boasted to her of her adulteries, especially with Sir Sidney Smith, recommended her to follow the same course, and enlarged on the facilities offered to her for such a life by a private staircase in her house leading direct to the park. The prince, added his wife, was the most complaisant of husbands, allowed her to do what she liked, and paid for all.

The improbabilities of such conduct on the part of any wife are so glaring that any contradiction of the statements of the witness would have been superfluous, had not the time of the unfortunate adoption of the boy Austin tallied with the period at which the acts of adultery were assigned. Sophia Austin, the mother of the child, wife of a workman in Deptford Dockyard, who had been discharged on the signature of the peace of Amiens, gave a natural account of its adoption by the princess, to whom she had presented a petition for assistance, and its being taken to Montague House, on the 15th of November, when about four months old. Lady Willoughby, who had known the princess for ten years, could not recollect any such incident as that which Lady Douglas had related; had never noticed any peculiar alteration in the princess's figure, and could not recall a single instance of conduct on her part tending to establish criminality. Stikeman, the princess's page, confirmed Mrs. Austin, as also did Mrs. Sander, who declared that she had never, though she was the

princess's dresser, noticed any signs of her pregnancy. Edmeades, who bled her, concurred with Sander, and Mills, his partner, who had frequently performed that operation under the advice of Sir Francis Millman, was equally certain of the absence of such symptoms. He was also confirmed by Sir Francis, who had attended the princess in the end of 1802, and who declared that had she been lately confined he must have observed it. Mrs. Fitzgerald gave a decided contradiction to the statement of the princess being in Lady Douglas's room during her confinement, to which fact she could unhesitatingly speak, as she was herself present on that occasion. The Commissioners, therefore, were unanimous in reporting that "the identity of the child then with the princess, its parentage, the place and date of its birth, the time and circumstances of its having been taken by her Royal Highness, were all established by positive and circumstantial evidence that could in their judgment leave no doubt on this part of the subject referred to them." They were equally decided that the charges of pregnancy and delivery had been satisfactorily disproved, and Sir Samuel Romilly agreed that this charge had failed.

There was, however, another charge on which their opinion was required—the improper, if not criminal familiarity with Captain Manby and others, resting on the evidence of two of her men-servants, Bidgood and Cole, Frances Lloyd, maid-servant, and Mrs. Lisle. If Cole was to be believed, when taking in some sandwiches he had seen the princess and Sir Sidney Smith sitting on a sofa, side by side, believed

that he had a key of the park gate, and that he thus obtained entrance into the house without the knowledge of the servants, and remained alone with the princess after all other guests and the attendants had left the room.[6] This last statement was distinctly denied by others of the attendants and servants. Sir Sidney, no doubt, was her intimate friend, she took great interest in his gallant exploits, and obtained much assistance from him in decorating the Turkish room in her house, for which he furnished her with a sketch of the tent of Murad Pasha, and instructed her how to draw Egyptian arabesques for its ceilings. Even Lady Douglas seems to have disbelieved in this charge, and the Commissioners in their report passed it without comment, as they did the charges of these servants implicating Lawrence,

[6] Cole was examined no less than five times, and Bidgood twice during the inquiry. In one Cole stated that he had seen a tall man in a great coat, whom he believed to be Sir Sidney, leave by the park door, one night, after every one else had long left. Of this man the princess says, in her letter to the king, "Before he lived with the prince, he had lived with the Duke of Devonshire, and I had reason to believe that he carried to Devonshire House all the observations he could make on mine. For these various reasons, before the Duke of Kent was about to go out of the kingdom, I requested his Royal Highness, who had been good enough to take the trouble of arranging many particulars in my establishment, to make the arrangements with respect to Mr. Cole; which was to leave him in town to wait on me only when at Carlton House, and not to come to Montague House, unless specially required. This arrangement, it seems, offended him," pp. 92-3. Is it likely, had he really seen what he swore to, the princess would have risked offending so dangerous a witness. Most of the princess's household had previously been in the service of the prince, sent there apparently as spies, from whom in one form or other she was never free.

the eminent portrait painter, and the Honourable Mr. Hood. Not so, however, in the case of Captain Manby, with whom Mrs. Lisle declared the princess "flirted, though she never saw any gallantries, as kissing her hand, or the like," whilst Bidgood swore to incidents at Southend, which, if true, could not be interpreted except as proving arrangements for criminality.

"The princess," this witness swore, "went to Southend, in 1804. I went with her. We were there six weeks, I believe, before the 'Africaine' (Manby's ship) came in. Sicard, the princess's house-steward, was very often watching with a glass, to see when the ship would come in. One day he said he saw the 'Africaine,' and soon after the captain put off in a boat from the ship. Sicard went down the shrubbery to meet him, and when the captain landed, conducted him to the house, where he dined with the princess and her ladies. After this he came frequently to see the princess. *She had two houses on the Cliff, Nos.* 8 *and* 9. *She afterwards took the drawing-room of No.* 7, *which communicated by the balcony with No.* 8. *The three houses being adjoining, the princess used to dine in No.* 8, *and after dinner remove with the company into No.* 7. *I have several times seen the princess, after having gone into No.* 7 *with Captain Manby and the rest of the company, retire alone with him from No.* 7, *through No.* 8 *to No.* 9, *which was the house in which the princess slept. I suspected that Captain Manby often slept in the house. It was a subject of conversation in the house.*"

Another witness, Fanny Lloyd, swore that one morning by six o'clock she was called up to make breakfast for the princess, and that when she opened the shutters saw her and a tall gentleman walking through the shrubbery towards the shore. Bidgood also swore that reflected in a looking-glass he had seen Captain Manby kiss the princess when he called

on her in 1804 at Montague House, and afterwards observed the princess wiping her eyes as if she was crying.

The princess's interest in Captain Manby was only natural. He had, at her solicitation, taken two boys on board his ship, in whose career she was interested. Naturally, therefore, she was anxious for his return from sea with her *protégés*, and gladly welcomed him to her house. In this case, as in the confessions and actions reported by Lady Douglas, the improbability of such conduct as that described by Bidgood at Southend is its best refutation. The interview in the shrubbery arose from the princess wishing to make a party on board the "Africane," asked Captain Manby to call very early in the morning at her house, went with him to the shore to see if the weather would suit, and not being satisfied with the prospect postponed the visit to a later period. As soon as the princess obtained the depositions, she communicated with Captain Manby, who at once made an affidavit indignantly denying the accusations made by Bidgood, and declaring that "never did anything pass between the princess and himself that he would be in any degree unwilling that all the world should see." [6]

[6] Lawrence also made an affidavit denying the charge, and justified his sleeping in the house whilst engaged on the princess's portrait by the example of Sir William Beechy, who had done so on a similar occasion. Mr. Edmeades and Mr. Mills, the surgeons, also swore to what appears like an attempt on the part of Lord Moira, the prince's friend, to induce them to admit the presence of the symptoms of pregnancy, and Philip Krackeler, footman, with Robert Egglestone, park-keeper, de-

To what extent the Commissioners believed in these latter charges is far from clear from the conclusion of their report. "The declarations," they report, "of certain other particulars respecting the conduct of the princess are such as must, especially considering her exalted rank and station, necessarily give occasion to very unfavourable interpretations." They then particularly refer to the evidence of Bidgood, Cole, Lloyd, and Mrs. Lisle, of whom they speak as not to be suspected of unfavourable bias, and whose veracity they had seen no ground to question. Still, notwithstanding the serious nature of some of this evidence, they are content with reporting "that the circumstances to which they refer, particularly those stated to have passed between her Royal Highness and Captain Manby must be credited until they have some decisive contradition, and if true, are justly entitled to the most serious consideration."

The probability is that the Cabinet, realizing the difficulty of their position between the king, who was unfriendly to them and endured them only on sufferance, and the prince, who was the personal friend of their leading members, and at that time their political supporter, sought to please both

posed to an interview between Lady Douglas and Bidgood on the 28th of June, 1806. Sir John Beresford, according to Lady Charlotte Bury, 1839, stated that he had been present during the whole period of the stay of Captain Manby, and could contradict the imputation of improper familiarity, and that once when Manby was said to have been on the boat with the princess,'it was himself and not Manby, "and therefore," he said, "I know the falsity of that accusation."

parties. By their acquittal of the princess on the graver charge they pleased the king, by their half-hearted condemnation of her they gratified the prince.

To the report and the evidence on which it was founded the advisers of the princess gave immediate attention ; and on the 2nd of October a letter in her name, the composition of Perceval and Lord Eldon, was sent to the king, containing a merciless dissection of the depositions, with the affidavits in reply, to which we have alluded :—a masterpiece of analysis and reasoning and dignified protest. As nine weeks elapsed without any notice of this, on the 8th of December the princess again wrote to the king, appealing to his justice for an early reply. At length, on the 28th of January, 1807, came the royal answer. He agreed with the Cabinet that "in the present stage of the business, upon a mature and deliberate view of this most important subject in all its parts and bearings, the facts of the case do not warrant that any further step should be taken by his Majesty's Government, or any other proceedings instituted upon it, except only as they may, on reference to them, think fit to recommend for the prosecution of Lady Douglas on those parts of her depositions which may appear to be justly liable thereto. In this situation his Majesty is advised that it is no longer necessary for him to decline receiving the princess." Then, after expressing his satisfaction at the falsehood of Lady Douglas's criminal charge being admitted by the Cabinet, the king alluded in firm but kind terms to the other charges. "On the other matters pro-

duced in the course of inquiry, the king is advised that none of the facts or allegations stated in the preliminary examinations, carried on in the absence of the parties interested, can be considered as legally or conclusively established. But in those examinations, and even in the answers drawn in the name of the princess by her legal advisers, there have appeared circumstances of conduct on the part of the princess which his Majesty never could regard but with serious concern. The elevated rank which the princess holds in this country, and the relation in which she stands to his Majesty and the royal family must always deeply involve both the interests of the State and the personal feelings of his Majesty in the propriety and correctness of her conduct. And his Majesty cannot, therefore, forbear to express, in the conclusion of the business, his desire and expectation that such conduct may in future be observed by the princess as may fully justify those marks of paternal regard and affection which the king always wishes to show to every part of the royal family."

Had the princess taken these words to heart, and repressed the excessive familiarity with attendants and friends to which she was so prone, the Green Bag and the Bill of Pains and Penalties would have never been heard of. With ill-advised haste the princess next day wrote proposing to wait on the king on the following Monday at Windsor. She was informed by him that he would prefer receiving her in London at a later date. The reception was again adjourned in consequence of the request of the prince, who proposed placing the evidence in the hands of his legal advisers,

and in consequence another letter was prepared for, and sent to the king by, the princess, in which the prince's letter, separating himself from her, and his reply were inserted, and the evidence of the unfavourable witnesses again severely criticized. From this time the matter dropped until the change of ministry. The prince, if he really did take legal advice, probably found that it was better to be silent, and if the well-deserved prosecution of Lady Douglas was ever referred to the Cabinet, no step was taken to prosecute her. When, however, in March, 1807, the Cabinet of the Duke of Portland, in which Lord Eldon was Chancellor and Perceval practically Prime Minister, came into office, no time was lost by her friends in vindicating the character of the princess. By a Cabinet minute of April 22, it was recorded that not only the main charges were completely disproved, but that "all other particulars of conduct brought in accusation against her Royal Highness to which the character of criminality could be ascribed were satisfactorily contradicted, or rested on evidence undeserving of credit."

"That a wife, a princess, a stranger should be subjected to treatment the most cruel and unmanly; should then be drawn from the shelter of her husband's roof; should be surrounded by spies and false witnesses; and having been charged with a capital offence—nay, with high treason—should be tried behind her back; with the most able counsel to attend on behalf of her persecutor and accuser; without a human being present on her behalf, so much as to cross-examine a witness, or even to take a

note of the evidence, was a proceeding which struck all men's minds with astonishment and dismay; and seemed rather to approach the mockery of all justice presented in the accounts of Eastern seraglios, than to resemble anything that is known among nations living under constitutional governments. But if the investigation itself was an object of reprobation and disgust, its result gave, if possible, less satisfaction still. What could be said of a sentence which showed that even when tried behind her back, and by an invisible tribunal, formed wholly of her adversaries, not the shadow of guilt could be found in her whole conduct; and that even the mercenary fancies and foul perjuries of the spies had failed to present any probable matters of blame; and yet, instead of at once pronouncing her innocent and unjustly accused, begrudged her the poor satisfaction of an acquittal; and fearful of affording her the triumph to which innocence is entitled and offending the false accuser, both passed over all mention of her unparalleled wrongs and left a stigma on her name, by the vague recommendation that the king should advise her concerning certain levities or indiscretions of behaviour —an allusion so undefined, that any one might fill up the dark outline as his imagination might enable him, or his want of common charity prompt him to do."[7]

[7] Contributions to the *Edinburgh Review*, by Henry, Lord Brougham.—Article on Lady Charlotte Bury's Diary, April, 1838.

THE MILAN COMMISSION.

Beyond registering their opinion of the falsity of the charges made by the Douglases and the other witnesses before the Secret Commission, her ministerial friends made no effort in the princess's favour. They were now the Regent's "servants," and their hands were effectually tied by their official fetters. The good old king soon ceased to be able to interpose on her behalf; the queen took the side of the prince and treated her with coldness, and the prince himself not only would not meet her in society, but made it a condition of his friendship, that all who would wish to be regarded as his friends should secede from the society of his deserted princess.[8] Only allowed to see her child on formal occasions, and prohibited from any interference in her education, she lived practically as a childless widow, on whom courtly society,

[8] On the proposal of a committee of White's Club to give a grand ball at Burlington House, in 1815, the Regent sent a message to ask what style of company they meant to invite, and it was proposed to answer that he should invite all royal persons, and for that purpose tickets should be sent to him. Some one (said to be Lord Yarmouth) proposed that members' invitations should be confined to relations. On this Lord Sefton got up and said "it was easy to see that these confused proposals were meant to exclude the Princess of Wales; as a member every ticket he subscribed for was his own, and every one he intended to send to the princess to dispose of as she pleased"—so did fourteen more members. But not being a majority, and as those who were to pay for the diversion were not to have leave to do as they pleased, they decided to have no ball.—Lady C. Bury's Diaries, vol. iii. pp. 55-6.

by order, looked with distrust, and was driven to seek as companions those only who could despise the threats of the prince, or whose inferiority of position led them to impose on the affability and charity of the princess.[9] When in 1813, feeling deeply the rigorous separation from her daughter, now grown up, she wrote to the prince a noble letter of complaint and rebuke, his reception of it was as singular as characteristic of the man. Lord Liverpool was instructed to write that the prince could neither receive nor read it, and that all communications between the wife and the husband must be addressed to the minister. He flattered himself probably that the difficult task of answering it would be thus avoided. The device, however, failed, as the letter got into the public prints, and being unanswered produced the greatest effect in her favour and against the Regent. "Then," says Lord Brougham, "the resolution was taken to try the effect of recrimination, and it was determined to bring out against the princess so much of Mr. Perceval's 'Book' as contained the particulars of the evidence before the invisible tribunal in 1806. The fate of this odious manœuvre was sufficiently striking; never was spite and falsehood visited with more speedy and complete discomfiture. For three days the whole of the newspapers were filled with the most

[9] Canning, Brougham, Mr. Ward, afterwards the well-known Lord Dudley, Sir William Gell, the accomplished antiquarian, were among those who did not fear the Regent's displeasure. The family of Sapio, the singer, were of the class that flattered her vanity, and took mean advantage of her ill-bestowed kindness.

offensive details, the public taste was outraged, the public mind was disgusted, the public feelings were roused, and they were found, to be pointed in the right direction; the whole charges were pronounced an absolute fabrication, and the accused stood higher than before, though it was not possible for anything to sink her accuser lower."[1]

Again, when in the following year the victorious sovereigns visited England, all that the Queen and the Regent could do, was done to lower the position of the princess. Because the Regent refused to meet her at Court, the old queen refused to receive her at her drawing-room, and the imperial and royal visitors obeyed the Regent's request not to pay the courtesy of even a formal visit to her at Kensington.[2] Public feeling was sorely tried. The aged queen was insulted in her carriage, the Regent received with groans and hisses. And when, most unwisely, but not unnaturally, the princess visited the opera on the occasion of the prince attending with the Emperor of Russia and the other sovereigns, she was heartily welcomed. With a wisdom that would have been better shown by taking the advice of Whitbread and abstaining from being present at the ceremony, the princess sat

[1] Lord Brougham, *Edinburgh Review*, 1838.

[2] Lady Charlotte Bury's Diary, vol. i. p. 330. The Emperor of Russia sent his equerry to the princess, to express his regret that he had not been able to wait on her, but that under existing circumstances delicacy only allowed him to express his high consideration, &c., using the usual diplomatic form. The princess, according to Lady Charlotte, (vol. ii. p. 11,) received the equerry with perfect calmness.

still during the applause. When pressed to rise to the repeated cheers, she replied, "I know my business better than to take a morsel out of my husband's mouth. Punch's wife is nobody when Punch is present." The Regent's intense vanity led him to accept the applause as his, and not her, welcome.

This pertinacious persecution of the princess at length called the attention of Parliament to her position. From the time of her being discarded by the prince, she had maintained her household on an allowance from him of 12,000*l.* a year, at times not punctually paid, and, like her husband, she was soon in debt. In 1809 an addition of 5000*l.* was agreed to by the prince, the arrears of which, had they been paid, might then have at once relieved her from present difficulties. As usual, the prince, when he found that, like any other husband, he was liable for his wife's debts, endeavoured, but in vain, to persuade ministers to increase her allowance from the Admiralty droits, and, at last, had to consent to pay the amount out of his own income, and to increase her allowance by 5000*l.* a year, rather than allow the question to be discussed in Parliament. He, however, obtained an understanding with the king and the Cabinet, that if further called upon, application should be made to Parliament for the purpose of its payment.[3] Matters remained in this position until 1814, when some of

[3] See letter from the Duke of Portland, of August 14th, 1808, and the prince's reply and communications by Adam, his treasurer during 1809; settlement of June 1809, signed by him and the princess, and a paper with the king's sign manual, approving the transaction, countersigned by ministers.

the princess's friends, supported by the almost universal approval of public opinion, brought her case before the House of Commons, urging the necessity for an income independent of her husband, sufficient to maintain her proper position. The Government proposed an allowance of 50,000*l.* a year—an offer which Whitbread called "insidious and unhandsome," but which the princess was prepared to accept "as it had no conditions attached to it derogatory to her rank, her rights, or her honour." Unwilling, however, to press unnecessarily on the overburdened taxpayers, the princess proposed that the grant should be reduced to 35,000*l.*, at which it was eventually fixed. Then followed the unfortunate step on her part of leaving England. It was in vain that all her best friends urged on her to remain among a people who were devoted to her interests, and not risk the dangers to which she would inevitably be exposed in continental society. Nothing could induce her to remain, and in August, 1814, she left in the "Jason" frigate only to return to endure the torture of her trial and to die.

For five years the princess wandered abroad. Going in the first instance to Brunswick, where she made but a short stay, thence to Milan, where she arrived in October, thence to Rome, and on the 8th of November arrived at Naples, where she remained until March, 1815. On her departure from England, she was accompanied by Lady Charlotte Lindsay and Lady Elizabeth Forbes as her maids of honour, Mr. St. Leger as her chamberlain, with Sir William Gell and the Honourable Kepple Craven. Captain

Este was her equerry, and Dr. Holland her physician. At Brunswick Mr. St. Leger, by previous arrangement, left her service, and at her departure from Naples, Lady Elizabeth Forbes, Sir William Gell, Kepple Craven, and Captain Este, also separated themselves from her suite. Thus deserted by her English attendants, she adopted foreigners in their place, and eventually surrounded herself with the family of Bergami, who had been selected as her courier, and whose sister, the Countess Oldi, soon became her sole female attendant. In March she proceeded towards Rome, remaining some days at Citta Vecchia, whence she embarked for Genoa, in the course of that voyage leaving Lady Charlotte Lindsay at Leghorn. It was during this portion of her travels, that the intimacy with Bergami with which she was subsequently charged was reported to have been increased, though she had known him only three weeks, and it was on account of this that Lady C. Lindsay was said to have left her suite at Leghorn. For two months Lady C. Campbell joined her, but then she left, Dr. Holland having previously obtained leave of absence at Milan, and the princess was alone among her foreign attendants.

From Genoa the princess went to Milan, and there, on the retirement of Lady C. Campbell, Bergami's sister, the Countess Oldi, became her sole lady of honour. At Milan she did not continue long, journeying thence to Venice, where she arrived in June 1815. The only Englishman then in her suite was Mr. Burrell, and he left, when from Venice the princess returned to Milan. A visit to St. Gothard and the Italian lakes now followed, during which, at Bellen-

zone, Bergami, it was said, first took his place at her table. Eventually, the princess settled for a time near Como, where Bergami was raised to be her chamberlain. In November, 1815, the princess embarked on board the "Leviathan" (Captain Briggs), on a voyage to Sicily, visiting Elba and Palermo, and finally Messina, where she remained until January 1816. Thence she embarked on the "Clorinde," Captain Pechell, who objected to sit at the same table with Bergami, whom he had, on the former voyage, known only as her courier. During this voyage to Sicily she obtained the dignity of Knight of Malta for Bergami, and subsequently the title of Baron la Francino. Utica and Tunis were then visited, and on the 16th of April, 1816, she arrived at Salona. From the coast of Africa the princess sailed to Athens, touching at Malta, and thence to Troy and Ephesus, by the way of Constantinople. Soon after Aum in Syria was visited, whence she journeyed to Jerusalem, where the cross of the Order of St. Sepulchre was obtained by her for her chamberlain. Here it was that she committed the folly of instituting the order of St. Caroline, of which Bergami was created Grand Master, and the youth Austin and several of her suite were made knights. Jaffa appears to have been her next port, whence on board a Sicilian vessel—a polacre—Lieutenants Howman and Flynn being then in her suite, she sailed for Italy, sleeping under a tent on the deck, and arriving at Terracina in September. On her arrival in Italy the princess proceeded to her villa near Como, when a further exaltation of the Bergami family took place, his

brother being made prefect of the palace, and his mother ordered to be called Madame Livia, and both her and the new prefect honoured with separate tables from the rest of the servants.

From the Villa d'Este the princess made several excursions, one to Lugano ; another to a house called the Barona, which she subsequently purchased for her chamberlain ; another to the Tyrol. During the last, in February, 1817, it was necessary to stay for a night at a place called Charnitz, from whence Bergami was sent to Inspruck for passports, on whose return, in the dead of night to Charnitz, one of the many criminal acts with which she was charged was said to have been ostentatiously committed. Thence the princess proceeded to Munich, and afterwards to Carlsruhe, and then through the Austrian Tyrol to Vienna, where she remained only a short time before she proceeded to Trieste. In the April of that year she was again back at the Barona, whence she travelled to Rome, residing there at first in the Rucanelli Palace, and afterwards at the Villa Branti, which she had purchased ; and in August she went to Pesaro, where, with the exception of a short visit to France, the princess resided until she commenced her hurried return to England.

This somewhat tedious itinerary of the wanderings of the princess is necessary to enable us to understand the various incidents to which the witnesses against her testified. From almost the first introduction of Bergami to her service, they swore that step by step as the voyages and travels continued, unwise confidence in her servant grew into improper

familiarities, until they ripened into criminalities. Such a sudden exaltation of a courier to the post of chamberlain; such a crowding of honours, stars, and ribbons on one who had stood behind her chair; such open and unreserved confidence and familiarity with him who had been so lately a mere menial in her service; such patronage extended to members of his family, even to the extent of apparently adopting his daughter; such an entire giving up of herself not only to the services, but to the society of the ex-courier's family, could not but excite suspicion. Rumours of unworthy condescension soon became reports of familiarities, and when it was known that during the whole of his attendance on the princess, the wife of Bergami was never to be seen in the suite or at his villa, the opportunity was afforded for inferring criminality. What a wide field was thus opened to spies to exercise their calling, which had been matured into a science on the Continent, and especially in Italy; what a temptation was offered to misinterpret acts, to improve on apparently questionable incidents, and if these failed to support a criminal charge, to manufacture them, when it was publicly announced that English money was freely to be had in exchange for damnatory evidence. From the moment that the princess entered Italy she was surrounded by spies, her letters, if she is correct, were opened, and copied at the foreign post-offices, and their contents forwarded to Carlton House.[4] Every careless expression was

[4] See her letter from Naples. "La poste est vraiment horrible, et d'une incertitude affreuse. Au reste les lettres sont tous en partout avant qu'il passes et puis sont copiés. Les miens sont en-

noted down, and every act recorded for the inspection of Sir John Leach, the legal friend of the Regent. Hence it was that, on the faith of such reports, he advised the notorious Milan Commission, and English gold was lavished on the Italian brotherhood of spies.

The constitution of the commission was singular. At its head was a Chancery lawyer learned in Bankruptcy, personally above suspicion, but entirely unskilled, thanks to the then practice of his Court, in the examination of witnesses,—a colonel in the army equally above suspicion as an officer and a gentleman, but equally ignorant of the science of examination, his only education in this being due to his acting on court-martials,—an astute attorney, whose subsequent conduct in permitting, if not in aiding a witness to escape from further cross-examination during the trial, raises grave doubts of his fairness. To these were added an Italian advocate, who was subsequently proved to have bribed the clerk of the princess's Italian lawyer to steal documents relating to her case from the desk of his master. The barrister and the colonel no doubt wished to do their duty, and only their duty, but they were in the hands of an astute attorney, who in the spirit of his profession looked only to the interest of his employers, and of an Italian practitioner brought up in courts of law, but not of justice. At the back of these was Leach, a

voyés pour la critique de l'Angletere, pour être reveu et corrigé. Ce qui me fait trembles chaque fois que je prends la plume en main. Soyez très persuadé que Naples est actuellment tout rempli d'espions. J'en connoit plusieurs qui sont caché, et les autres qui se montre publiquement." — Quoted in Lady Charlotte Bury's Diary.

most dangerous counsellor. Clever, quick, but "with an utter disrelish for caution." Eager for promotion and looking to the Chancellorship as the reward of success, it appears never to have entered his mind that the character of his royal patron must effectually prevent the condemnation of the princess even were the witnesses against her believed, and that public opinion would refuse to such a man a divorce, even from the worst of wives.

"The knowledge that a board was sitting to collect evidence against the princess immediately gave such testimony a high value in the market of Italian perjury; happy was the individual who had ever been admitted to her presence, his fortune was counted to be made. Nor were they who had viewed her mansion, or had only known the arrangements of her villa, without hopes of sharing the golden prize. To have seen her pass, and noted who attended her person, was a piece of good luck. In short, nothing, however remotely connected with herself or her family, or her residence, or her habits, was without its value among a poor, a sanguine, and an imaginative people. It is certain that no more ready way of proving a case, like the charge of criminal intercourse, can be found than to have it first broadly asserted for a fact; because this being once believed every motion, gesture, and look is at once taken as proof of the accusation." [5]

The Milan Commission met in August, 1818, and made their first report in the July of the following year. It was forthwith laid before ministers, whose verdict on the evidence was but little satisfactory to

[5] Lord Brougham, *Edinburgh Review*, 1838.

the Regent. "*Though the facts stated,*" said the Cabinet, "*would furnish sufficient proof of crime if established by credible witnesses,* it was at the same time their opinion that, considering the manner in which a great part of the testimony had *unavoidably* been obtained, and the circumstance that the persons who have afforded it were foreigners, many of whom appeared to be in a low state of life, it would not be possible to advise his Royal Highness to institute any legal proceedings on such evidence, without further inquiry as to the characters and lives of the witnesses by whom it was supported."[7]

The Milan Commission resumed its work and soon presented a supplementary report, which was again unsatisfactory to the Cabinet. The Regent was now king and almost frantic for a divorce. He renewed his old threats of dismissing his ministers, going to Hanover, and resigning his throne. But his ministers were firm and told him plainly that a divorce was impracticable for fear of recriminatory evidence. They referred to and endorsed their former objections to the characters of the witnesses, so many of them "standing in the questionable situation of having been dismissed from the Queen's service." They recommended, therefore, an arrangement, and consented to her not being crowned, and not prayed for by name in the Liturgy. The king replied, but ministers adhered to their decision, and the king could not but submit. They knew the value of his threats too well to fear them.[6] What might have been the result had

[6] Under date February 14, 1820, Mr. Greville writes in his diary, "The Cabinet sat till past two this morning, the king

the queen not suddenly returned to England must be matter of speculation. That by this step she precipitated events, if she did not necessitate her trial, is undeniable.[7]

THE QUEEN'S TRIAL.

The princess was at Leghorn on her way to Rome, when the courier sent by Mr. Brougham brought her the intelligence of the death of George the Third. She at once determined to return to England, and wrote to him to meet her at Geneva. Her best and most powerful friend was gone, for though for so many years the king had been a political cypher, a fear prevailed, so long as he lived, that by some act of providence his reason might be restored, and his power once more exerted in her defence. The Duke of Kent, always her firm friend and discreet adviser,

refused several times to order the queen to be prayed for in the alteration which was made in the Liturgy. Ministers wished him to suffer it to be done, but he peremptorily refused, and said nothing should induce him to consent. Lord Harrowby told me this last night."

[7] February 20 Ministers had resigned last week, because the king would not hear reason on the subject of the queen. It is said that he treated Lord Liverpool very coarsely, and ordered him out of the room. The king, they say, asked him if he knew to whom he was speaking. "Sir," he replied, "I know I am speaking to my sovereign, and I believe I am addressing him as becomes a loyal subject to do." To Lord Eldon he said, "My Lord, I know your conscience always interferes, except where your interest is concerned." The king afterwards sent for Lord Liverpool who refused at first, but went afterwards, when the king said, "We have both been too hasty."

had been taken from her by his untimely death. Perceval, Canning, and Whitbread—all were gone, and she had now to trust to new advisers. Brougham, who knew more of her case and its dangers than any of them, was strenuously opposed to her return to England. He considered that the conditions of arrangement with which he had been entrusted in the summer of 1819, though they did not involve any diminution of her rights, were inconsistent with her position as queen; yet, had his advice been followed, she would have remained abroad, only coming so near to England as to enable further negotiations to be more easily carried on. Had he gone to her at Geneva, she declared all further trouble would have been spared her; but, setting up the excuse of circuit engagements, he delayed his visit until she was almost within sight of England, and another, far less wise, though not more earnest counsellor was then in her confidence.[8]

[8] Lord Denman, in his personal narrative of the principal events of the queen's trial writes, "Brougham's opinion was that the negotiations in the summer of 1819 between him and ministers for her residence abroad, complete separation, though without her consent, were inadmissible when queen, and an admission of her guilt after the investigation by the Milan Commission; and that the people could not be asked to pay a large allowance to one who appeared to have sanctioned the truth of the charges and that, probably, the House of Commons would have refused the grant. With the people she would certainly have lost all credit, and might have found herself at the mercy of a mean-spirited and vindictive husband. Believes Alderman Wood (who was now her adviser) held these views."—Arnold's "Life of Lord Denman." There is no doubt that the queen had very little confidence in Brougham, and much preferred the enthusiasm of Denman to his discreet calculation.

As soon as she knew of her accession to the throne, the queen applied to Cardinal Gonsalvi for a guard of honour at her palace. Through the influence of the Hanoverian minister at the Papal Court, it was refused, on the plea, that no communication of her residence in Rome had been supplied by the English Government. This deliberate insult, coming as it did contemporaneously with the intelligence of the omission of her name from the Liturgy, determined her to lose no time in starting for England. On the 5th of May she was at Pesaro, whence she hastened to St. Omer, where she was met by Brougham and Lord Hutchinson, with the ministerial proposals for an arrangement. Why Brougham did not communicate these proposals to her himself has never been satisfactorily explained. All that he seems to have done was tell her that Lord Hutchinson, as the confidential friend of the king, was the bearer of proposals in his name, and to leave him to explain them. The queen requested them in writing. In reply Lord Hutchinson declared "that he was not in possession of any proposition detailed in specific words, but that the result of many conversations with Lord Liverpool and ministers was an offer of 50,000*l.* a year, subject to such conditions as her consort might

He had heard statements of which he was afraid, and would gladly have avoided a trial. "He is afraid," was the queen's opinion; "and so he was," adds Denman, "but on her account and not his own." When, however, the trial could not be avoided, Lord Denman adds. "From that moment, I am sure, Brougham thought of nothing but serving and saving his client —his whole powers were decided to her safety and welfare." Denman's Personal Narrative.

impose. I have reason to know," he continued, "that the conditions likely to be imposed are, not to assume the style or title of Queen of England, or any title attached to the royal family; not to reside in any part of the United Kingdom, or to visit England. If she did come, proceedings would be at once taken against her." When Brougham read these conditions the queen naturally expressed her utmost indignation. Brougham admitted that they were not what he should advise, but begged her to consider what conditions she might be pleased to accept. "My determination," replied the queen, "is soon formed. I set out instantly for England. It is in London, and London alone, that I shall consent to consider any proposals of the King of England."[1]

Acting at once on this decision, the queen instructed Alderman Wood (who, with Lady Anne Hamilton, had joined her at St. Omer) to order post-horses for Calais, and Brougham did not know that she had started, until from his window he saw her carriage leaving. On the 5th of June she embarked at Calais

[1] Lord Brougham in explanation, during the debate on Wilberforce's motion, on the 22nd of June, said, "The memorandum of April 15th (1819) was not given to him for the purpose of transmission to her Majesty, but to be given personally, and that he had no opportunity of so doing by going to Italy —professional duty and engagements to her in the House of Commons prevented him from going abroad. When he went to France he had not an opportunity of laying this memorandum before her; but nobody who was not actually on the spot could form any idea of the strange and unaccountable accidents by which he was prevented from calling her Majesty's attention to this document previous to the delivery of Lord Hutchinson's communication."—Hansard, N.S. i. p. 1311.

on board the packet-boat, as her request for a royal yacht had been refused, landed next day at Dover, where, in the absence of prohibitory orders, she was received with a royal salute. A hearty popular reception followed, with a loyal address from the corporation, before she left for Canterbury, where another address awaited her arrival. On the 6th of June she arrived in London. All along the road her welcome was enthusiastic, and the crowds in London such, that it was with difficulty she reached Alderman Wood's house in South Audley Street, where she appeared on the balcony and bowed to the applauding crowd.[2]

This step was met at once by one equally decided on the part of the king. The Green Bag was at once sent to both Houses of Parliament, and its loathsome contents proposed to be referred to secret committees of both Legislatures. In the House of Lords the committee was appointed, but put off its meeting from time to time, whilst negotiations were again pending—the Duke of Wellington and Lord Castlereagh on the part of the king, and Brougham and

[2] Denman gives the following sketch of the queen's entry into London: "Her equipage was mean and miserable. On the box of one carriage was a man with a turban, the others, Italians with enormous moustachios. There was scarcely a well-dressed person in the crowd, whilst among the few on horseback I recognized a sheriff's broker and my own bankrupt cousin. The king said indignantly, 'That beast, Wood, sat by the queen's side.' On being reported to her, she said, 'That was very kind of him.' Her bearing when she appeared on the balcony was most noble and attractive, firm and graceful, with a fixed courage in her eye. She kept repeating again and again, 'If he wished me to stay abroad, why did he not leave me in peace? So here I am!'"—Denman's Personal Narrative.

Denman (now her Attorney and Solicitor-General) on the queen's behalf.[3] It was soon seen that no agreement could be arrived at; the queen insisting on the restoration of her name in the Liturgy, the king regarding that condition as utterly impracticable.[4] All in vain was the motion of Wilberforce, on which the House of Commons voted an address to the queen, assuring her "that no concession she should

[3] April 21. Brougham and Denman were called within the Bar as her Majesty's law officers. When they first presented their patents to Lord Eldon, he raised the objection that it did not necessarily follow that the queen's counsel should have the rank of king's counsel, citing the case of Serjeant Vaughan, who, on being appointed such by Queen Charlotte, had not received that honour, and also that their patents were unstamped. This last objection was got over by their at once taking them to be stamped, and the former one discreetly waived. The benchers of their Inn of Court hesitated to raise them to that position, but Sir William Grant proposed them and the motion was carried. Brougham had expressed such dissatisfaction at the return to England, that he said he supposed she would have Wood for her attorney-general; and on the day when the green bag was introduced, Denman thought he was her only law officer, and as such put a question to Lord Castlereagh, intending to propose Williams as his own successor. On this Brougham said that the threats of the Government prevented his resigning, and the quarrel was healed. In his hatred of Wood, in one of his speeches he said he supposed A. W. stood for "Absolute Wisdom."—Denman's Personal Narrative.

[4] Lord Denman thus describes the meeting between the negotiators: "Lord Castlereagh and the Duke received us as if ambassadors, both with their ribands and stars. Lord Castlereagh agreeably frank, but put himself in such a position which cut me off as the left wing from Brougham's main body. When Brougham urged the insertion of her name in the Liturgy, he replied, 'You might as easily move Carlton House.'"—Denman's Personal Narrative.

make could be ascribed to an unworthy motive, and entreating her to permit an accommodation by relinquishing some point, her adherence to which had hitherto rendered so desirable an object unattainable." A hasty expression of Lord Castlereagh's during the debate, that the omission of her name from the Liturgy was intended as a stigma, decided her to refuse its concession.[5] Her reception of the deputation of the House of Commons was marked with great stateliness, and her refusal of their advice, though courteous, was decided. With the people her decision was popular, but in the House of Commons it lost her many friends. On the 4th of July the secret committee of the Lords reported in favour of ulterior proceedings; the Bill of Pains and Penalties was introduced, and open war declared.[6]

On the 7th of July the first batch of witnesses against the queen arrived at Dover, all Italians, apparently of the lowest class. So roughly were

[5] In the debate on Wilberforce's motion, on the suggestion being made that the queen was included in the general prayer for the royal family, Denman said that if she was included in any prayer at all, it was in the petition in the Litany "for all that are desolate and oppressed." He states that on Lord Castlereagh saying that the exclusion of her name was intended as a stigma, the queen wrote him, by Lady Anne Hamilton, that after that she could not enter into any negotiation.—"Life of Lord Denman," by Arnold. Personal Narrative.

[6] When the copy of the bill was formally served on her by Sir T. Tyrwhitt, the queen said, "I am sorry it comes so late. Twenty-five years ago it might have been of some use to his Majesty; but, as we shall not meet in this world, I hope we shall in the next, where justice will be rendered me."—Lady C. Bury.

they treated by the people that they had to leave Dover by stealth, and were so thoroughly terrified that another party, all of the same class, were soon after shipped back from Harwich to Holland. For the witnesses a complete prison had been constructed out of some of the houses of the officers of the House of Commons, in what was then known as Cotton Garden, situated on the river-side, and approached from thence by a newly-constructed landing-place, guarded by a gunboat. On the land side, a brick wall and a strong timber partition separated them from the Parliament Stairs. All other means of access were closed up, and strong iron-bound doors fixed at the end of the avenue opposite Henry the Seventh's Chapel. Quantities of provisions were sent in, with cooks from Hampton and Windsor, and no one was allowed to join them without a previous order from the Home Office, and the attendance of a confidential person from the Alien Department. There they herded together during the whole of the proceedings, no doubt conversing over the evidence each one was prepared to give, and comparing notes of their respective stories. So great was the excitement, that the Lord's Committee called upon the High Bailiff of Westminster to keep the streets clear during the trial, and requested his Majesty "for such guards as were usually allowed in cases of impeachment." With these preparations the trial commenced on the 17th of August; the streets one mass of people from the queen's residence in St. James's Square to the Parliament-house; two troops of the Life Guards in Palace Yard, the Coldstreams and field-pieces at Whitehall,

besides horse-patrols and constables, special as well as ordinary. Through this dense and excited mass the lords had to make their way, saluted with cries of "Remember your queen." "Think of your wives, mothers, daughters." "Remember you are Englishmen." When the queen passed through, the cry of "God bless her!" was universal. Whether they believed in her innocence or not, the masses remembered how she had been treated by her husband almost from her wedding-day, and how he paraded his own immoralities whilst crying out for a divorce and the condemnation of his consort. The same popular ovation welcomed her daily during the protracted proceedings.[7]

At ten o'clock on Thursday, the 17th of August, the House resumed its consideration of the Bill of Pains and Penalties. The number of peers was large, and nearly all the judges were in attendance. On various grounds several peers were excused, including three Roman Catholic lords on the score of their religion. The Duke of Sussex obtained exemption on the ground of his relationship, and the Duke of Cambridge as Viceroy of Hanover; but the Duke of York took the occasion of professing his determination not to suffer any private feelings to deter him from doing his duty, however painful that might be. A sense of decency, if no higher motive, one would have thought, might have prompted the royal family to leave the House where they were to sit not only as

[7] The troops were also so disaffected that a battalion of the guards had to be removed from London, and the queen's health was publicly drunk by the hussars at Hampton. As Jekyl said, "The extinguisher was taking fire."

judges, but as jurors, on so near a relation. After the motion of the Duke of Leinster, that the order for the further consideration of the bill should be rescinded, had been negatived by an overwhelming majority, the bill was formally read, and the usual motion in such cases made to call in counsel in support of its preamble. By the opponents of the proceeding its inexpediency and mischievous tendency were again forcibly, but in vain, urged, as well as the feeling, in which it was said the House of Commons clearly participated, since they had declared that whichever way the question should be decided "it would be injurious to the best interests of the empire." A question as to whether such acts as those imputed to Bergami, though a foreigner, amounted to high treason, was put to the judges, and answered in the negative; and then counsel were called in.

For the bill appeared, besides the law officers of the Crown, Dr. Adam, the Judge Advocate, and Mr. Parke. For the queen, her law officers, Dr. Lushington, the eminent civilian, and Messrs. Williams, Tindal, and Wylde.[8] In addition to the Solicitor for

[8] Sir R. Gifford, afterwards Master of the Rolls, was Attorney-General; Serjeant Copley (the future Chancellor), Solicitor-General; Lushington, eventually Judge of the Admiralty Court; James Parke, afterwards Lord Wensleydale; Brougham, subsequently Chancellor; Denman (Lord Chief Justice); Tindal (Chief Justice of the Common Pleas); Wylde (Lord Truro), Lord Chancellor; Williams, raised to the Bench. Of Wylde, Lord Denman says that "his introduction into the case was not at first agreeable to the other counsel. Originally an attorney engaged for Alderman Wood in some mining transactions, at that time not in high esteem in the profession, he was brought in by Wood. We were, however, no sooner acquainted with him than our prejudices van-

the Treasury, Mr. Powell, of the Milan Commission, attended as solicitor for the bill, and Mr. Vizard in opposition. As soon as counsel presented themselves at the bar, the Duke of Hamilton asked the Attorney-General on whose behalf he appeared, and by whom he was instructed. The answer was evasive. "He appeared because the officer of the House had served him with an order, declaring that the Lords would allow counsel to be heard before the second reading of the bill, and that in order to be enabled to produce witnesses in its support, he had applied for information to those sources from which he thought it likely to be obtained, and understanding that information upon the subject had been communicated to the Secretary of State for the Home Department, had accordingly applied there." The Duke was obliged to be satisfied with the explanation. It would not have done for the Government to have formally admitted that the king was the petitioner.[9]

The greater portion of three days were consumed in the arguments of counsel against the principle of

ished; he thought of nothing but success, and contributed most largely to it. Extremely able and acute, generally very judicious, always active and persevering in the highest degree, his habits as an attorney qualified him for many things to which counsel are incompetent." Born, 1782; called, 1817; Solicitor-General, 1840, and Attorney-General, 1841; Chief Justice of the Common Pleas, 1846; Chancellor, 1850-2. He married, as his second wife, Mdlle. D'Este, the daughter of the Duke of Sussex and Lady Augusta Murray; died, 1855.

[9] A full copy of the Bill of Pains and Penalties will be found in Appendix B. I have adopted the usual name of "Bergami" and not "Pergami," as stated in the bill, this alteration being made in committee.

the bill, and in debates upon the motion of Lord Liverpool, that counsel should proceed to call evidence in its support. In his speech Brougham took advantage of the explanation offered by the Attorney-General for his appearance in its support.

"The House," he said, "was called upon to cut the holy knot, first, because the parties had disregarded its sacred obligation, and, secondly, because the husband did not complain. It was no private bill but a state measure. The king made no complaint, and the House was called upon to dissolve the marriage without the suggestion of either of the parties interested. It was unprecedented, illegal, in opposition to all analogy, and in the teeth of the most sacred part of civil and ecclesiastical justice. Perhaps he might be allowed to state that the mode of proceeding afforded sufficient evidence to show that the story of degradation and dishonour was a mere pretence from the beginning."

Hinting at the possibility of a case of recrimination, which he professed to use only for the purpose of argument, and which he had his client's solemn commands to avoid, but the meaning of which deprecation could not be mistaken, he significantly asked,—

"Are we arrived in this age at that highest pitch of polish in society when we shall be afraid to call things by their proper names, yet shall not scruple to punish by express laws an offence in the weaker sex which has been passed over in the stronger? Have we indeed reached that stage? I trust I shall not hear it in this place. I hope that the spirit of justice, which I believe pervades this house at large, will prevent it. But if not, I will appeal to the spirit of holiness, and to the heads of the church ranged before me, whether adultery is to be considered only a crime in woman. I make the same confident appeal, and to the same quarter, when I ask whether the crown can be dishonoured, the fame of the country tarnished, and the morals of the people put in jeopardy, if an adulterous intercourse (which no one ventures to call adultery) shall be proved against a lady,

when that which I venture to call adultery, because the exalted individual himself has confessed it to be so, has actually been committed by a prince. It is with the utmost pain that I make this statement, and it is wrung from me by hard compulsion; I say it not—God forbid I should—to vent harshly upon him any of the failings of our common nature, much less to alter one iota of my recorded sense of the baseness of that conspiracy by which those failings were dragged before the public. I bring it forward because it is in truth an answer to this case. Why was no bill of degradation brought in in 1809, after the resolution of the House of Commons and a full confession on behalf of the party accused that he had been guilty of 'most immoral and unbecoming conduct.' All this was well-known to the authors of this bill, for one of themselves penned the very words I have just read to the house.[1] I ask, therefore, whether there is any possibility of replying to this objection but in one short way—*that all men may do as they please, however exalted their station, however intimately connected with the crown and with the highest interests of the state; that their conduct is perfectly indifferent; but let the look of slander once fix upon a defenceless female of the family, who has been residing abroad, who has been allowed to expatriate herself; who has been assisted in removing from this country, and even cherished to keep herself away from it: then at that instant the venom must distil, and she must be persecuted and prosecuted under the canting, hypocritical, and disgusting pretence that the honour of the country and the crown are at stake. Whether all of us, nearer to the object, do or do not see through this flimsy pretext, be assured, that the good sense of the nation cannot be deceived, and that those who are at a distance will be shocked and astonished. The people at large must look upon it as something too ridiculous to be examined. I myself can hardly use decorous terms in speaking of it, and they, in their homely language, will assert that it is an attempt to accomplish one purpose under the colour of another. 'Here is a man,' they will say, 'who wishes to get rid of his wife; he talks of the honour and safety of the country, yet its dearest interests, its peace, its morals, and its happiness are to be sacrificed to gratify his desires.'*"

[1] See the case of the Duke of York and Mrs. Clarke, vol. i. chap. ix.

Denman, who followed his leader in an equally bold and cutting address, spoke plainly on the same point of recrimination. His sketch of husband and wife was perfect.

"Let your lordships, then, suppose a case of a young and accomplished woman coming to these shores from a foreign country, with prospects of splendour almost unparalleled; that, on her arrival, instead of meeting with an affectionate husband, she found an alienated mind; that the solemnities of marriage did not prevent his being surrounded by mistresses; that the birth of a child, instead of affording a pledge of mutual regard, became the subject of aggravated insult, and was shortly followed by expulsion from her husband's roof. That even then spies were placed over her to report or to fabricate stories of her conduct. If, after all these circumstances, an *ex parte* inquiry took place and terminated in a complete acquittal; and in consequence of that acquittal she was restored to the embraces of a father by whom she was never deserted; if, subsequently, she had been induced to go abroad, and that the same machinations were renewed against her, in the hope that what had failed in England might succeed in Italy, the charges which had before been blown to atoms by argument and ridicule, might at length avail, if not to convict, at least to blacken, to disgrace, to destroy; in a case like this where a husband had shown himself indifferent to the honour and happiness of his wife—where he had abdicated all those duties which gave him the rights of a husband—would their lordships listen for one moment to his case? Surely not; he would be obliged to retire from their bar with feelings which it is unnecessary to describe. If by incontinence, unkindness, and brutality, the wife was to be driven from her home, and was afterwards charged with adultery, to refuse all inquiry into the husband's conduct was evidently to allow him to take advantage of his own wrong. Recrimination appeared to him the most important right belonging to a consort. Unless, then, the rules of morality were made not for the high, but for the low, and unless laws were to be suspended only for the powerful, and never for the weak, such an example, he was sure, could not be established."

The truth and eloquence of these words were equally useless. The bill, said the Attorney-General, was in the usual form, and the fact, that had the acts charged against the queen been committed in England, it would have been a case of high treason, was sufficient justification for its introduction. The motion to proceed was carried by 181 to 65, and the subsequent motion by Earl Grey that "the bill before the House did not afford the most advisable means of prosecuting the charges against her Majesty, and that, therefore, it was not necessary or expedient to proceed further with it," defeated by a nearly equal majority. Among some peers probably there was a wish to hear the evidence about which so much had been rumoured; others thought, and thought rightly, that it had only to be heard to its being exposed to contempt, and thus to ensure a verdict, among unbiassed people, less creditable to the prosecution than to the accused; others were irritated by the queen's refusal of mediation, though urged on her by so large a majority of the lower House of Parliament.

The difficult duty has now to be undertaken of presenting the evidence in a form consistent with a due regard to decency. The minor charges of familiarity with Bergami inconsistent with the relation of mistress and servant; the separation of herself from all her English attendants and introduction of his family in their place; the reported avoidance of that class of society abroad, in which, as Princess of Wales, she might be expected to move, preferably to that of inferiors; and such an incident as the ball at Naples, in which the princess appeared in what was

declared to be the indecent costume of the Genius of History, can be discussed without offence. Not so, however, the acts by which the graver charges were sought to be supported, in the foul description of which the prurient imaginations of the Italian witnesses revelled. With regard to these, therefore, it is proposed to take the ministerial reply to the prince as our text. We will assume with ministers "that the facts stated furnished sufficient proof of crime, if established by credible witnesses," and will examine how this evidence was obtained, what were the positions and characters of the witnesses, and in what points, and by witnesses of what station and character they were contradicted.

And first, who was Bergami? According to the prosecution a common menial servant, hired in Italy, of the class from which couriers usually come, and gradually, but with determination, raised to high office about the princess, loaded by her with honours and titles, and allowed to surround her with his relations of equal menial position, low manners, and doubtful antecedents. In reality, Bergami came of a good Italian family which had suffered reverses in the wars of the revolution. In 1801 he was quartermaster in the brigade of General Teuille in Italy, where he bore the character of a good soldier, and some years after was the confidential courier of General Pino, who commanded the Italian division in the army of Marshal St. Cyr on the frontiers of Spain. When the princess was at Milan, Mr. Keppel Craven applied to the Marquis Ghisiliari, who had been appointed by General Bellegarde to attend her whilst at Milan,

to recommend a courier to supply the place of one about to be discharged, and he recommended Bergami. He had known his family for many years, he could strongly recommend him, and expressed a hope that if he behaved well he might be continued in her service out of livery. Sir William Gell also saw Bergami embraced and kissed in the street by the Marquis, when the latter was in his full uniform as "Chamberlain of the Emperor of Austria," a well-known sign of recognition as his equal in family, though, then from reduced circumstances, a courier. The King of Bavaria and the Margravine of Bayreuth do not appear to have felt themselves insulted by his dining at table with them, and the former presented him with one of those gold snuff-boxes, with his initials on it, which were wont to be given to ambassadors. His conduct as a courier was unexceptional, and his manners above that of his menial position. So far as her English attendants saw, no impropriety appeared in the relations or conduct of the princess and her courier. To all her servants the demeanour of the princess was extremely familiar, but so far as they saw not more so to Bergami than the others. His sister, the Countess Oldi, was said by the witnesses for the prosecution to be of such low extraction and poor education as to show them by her provincial dialect.[2] Dr. Holland,

[2] With reference to the dialect spoken by the Countess Oldi an amusing incident occurred during the trial. A question on that point had been put by Lord Lauderdale in the broad Scotch dialect, in which that noble lord indulged. On which Lord Auckland asked Dr. Holland, whether the countess's dialect differed more from pure Italian than the English language

however, admitted that though persons of fashion and education are capable of speaking a purer Italian, in conversing with one another they often used the dialect that prevailed in Lombardy. And Sir William Gell, a perfect Italian scholar, agreed with Dr. Holland, and denied that she was either low or vulgar, but, on the contrary, "a decent, rather good-looking, respectable lady."

Another of the minor charges, that of avoiding the society of English travellers of position and character, as well as being deserted by the hereditary and official nobility of the several states in which she resided, was also fully rebutted by Lord Guildford, the Earl of Llandaff and Lord Glenbervie, as well as by her English chamberlains, Craven and Gell. King Joachim to show his respect met her at Aversa, and personally conducted her to the palace set apart for her in Naples. Every Englishman of title and position visited her; it is needless to give the long list furnished by her chamberlains, and this attention continued so late as when she was at Rome in 1817, after the return from that journey in the East and her residence at the Villa d'Este, where the worst of the acts of criminality were reported to have been openly practised. The Duke of Baden attached his chamberlain Eude to her service during her visit at his court,[3] and the King of Bavaria, as has already

spoken by some Scotch persons of education and family differ from pure English. Dr. Holland discreetly declined to make the comparison.

[3] Eude was summoned as a witness for the queen, but, like Rastelli, had a convenient illness that prevented his coming.

been noticed, received her and even her chamberlain Bergami at his table.

The separation from her of so many of the English of her suite was also reasonably explained. Mr. St. Leger, from ill-health, had to leave at Brunswick, and was prevented by continued illness from rejoining her suite until she arrived at Dover. Mr. Craven originally engaged for only two or three months; Sir William Gell had to be excused when the journey to the north was projected, as from his repeated attacks of gout he was unable to travel. Dr. Holland, to whom, at Milan, the princess offered six weeks' leave to make a tour in Switzerland, requested and obtained an additional leave of absence in order to go to England on his private affairs and from professional engagements there, did not return. Lady Charlotte Lindsay only stayed as long as she did in order to assist her husband, who was in straitened circumstances. She also denied that she ever said that her resignation was a relief to her because no woman who cared for her character could remain in the princess's suite after the introduction of Bergami, but accounted for it from the distress of mind from which she suffered at the loss of two near relations. Why Lady Elizabeth Forbes separated herself was indeed not proved; and as for Lady Charlotte Campbell, why she stayed with her for so short a time was of little consequence, considering her subsequent behaviour to one whom she could not but admit had been an indulgent and most liberal mistress. There could hardly have been much to complain of in the princess's conduct, when Lord Glenbervie could

allow his wife to act as lady-in-waiting until Lady Charlotte Campbell arrived. Lieutenant Flynn was captain of her yacht during both its voyages, and Lieutenant Howman was her private secretary during the whole of her wanderings abroad.

Another charge, that of appearing indelicately dressed as the Genius of History at a masked ball, given at her palace to King Murat, was refuted by the evidence of Sir William Gell and Keppel Craven. At first, like many other persons at the ball, the princess appeared in a Turkish dress,[4] the trousers being merely like a petticoat slightly sewn together between the legs at the bottom. Her dress, as the Genius of History, according to Sir William Gell, was like that of the statue of Curiatius in the British Museum, or of Mr. Hope's Minerva, very much draped and completely covering the figure; when thus dressed the princess was seen for only a few minutes, when a door being opened, she appeared supported by the Countesses Civitela and Delri, with the Duke of Cassarano as the bearer of the trumpet of fame, and placed an olive wreath on the bust of Murat. As for the story of her having to take off the Turkish dress entirely before putting on that of the Genius, that was also denied on the best authority, as well as the charge that Bergami alone went into her dressing-room at the change of dress. Sir William Gell saw her to her room, and had good reason to believe that the princess had plenty of attendants to assist her

[4] Some of the witnesses reverse the order of the three dresses in which the princess appeared, putting that of the Neapolitan peasant first and not last.

in changing her dress, as the door was opened and shut perpetually and everybody went in and out of her room.

Again, it was charged against the princess that she had hurried from the opera at Naples to keep an assignation with Bergami. Keppel Craven, who, to his sorrow, was in attendance, swore to her sitting out the whole performance, not leaving until after midnight, as the opera had begun late, and was "long, tiresome, and stupid," and going direct to her bedroom, and to her retiring equally late from the royal concert, which it was said she had left in haste, and early for the same vicious purpose. Sir William Gell also explained that the so-called most indecent dance of the servant Mahomet, which she had witnessed from her window, was simply like the Spanish bolero, which prevails throughout the south of Europe, and on which ladies and gentlemen look without remark; and Granville Sharp, who could speak from ten years' service in India, described it as a usual eastern dance which he had seen exhibited at Government House in Calcutta, in the presence of the Governor-General. Craven admitted that he had seen her walking on the terrace in her garden at Naples with Bergami, and warned her against it, because there was a spy in the city. But it was elicited from Sir W. Gell that there were men at work in the garden at the time, and that the terrace itself was in full view from the surrounding houses.[6] That she had taken the arm of

[6] The princess before she left England had grown unwieldy, and seems from the evidence to have been glad to take the arm of any of her suite in walking, especially when on the deck at sea.

Bergami in her walks; that she had allowed him to come into her bedroom of a morning was admitted to be in accordance with foreign habits, and though her condescension was marked, it did not greatly exceed that of foreigners, and as Lady C. Lindsay truly remarked, "the higher classes in England are remarkably kind and condescending to their servants, more so than other persons." Kindness to and respect for servants is one of the true tests of gentlemen and gentlewomen. It is only pretenders to rank and position who are afraid to condescend. With one other alleged impropriety we will close our remarks on the minor charges. She was accused of having gone into Bergami's bedroom when he was in bed from an accident, and to have acted the part of his nurse. Though such an act of kindness might be excused, it is satisfactory to know that it was at once denied by Dr. Holland, who attended on the sick courier. Let us now examine into the credibility and character of the witnesses by whose evidence the graver charges, as well as these questionable improprieties, were supposed to be supported.

Theodore Majocchi, of *non mi recordo* notoriety, was the first witness produced in support of the bill.[6]

[6] The conduct of the queen on the appearance of this witness has been variously represented. According to Lord Albemarle, in his late interesting recollections, on the appearance of Majocchi she stood close up to him, threw her vest completely back, held her body very backward, and placed both her hands on her sides. In this position she stared firmly at him, and for some seconds there was a dead silence, and then she screamed out, "Theodore! Theodore!" in the most frantic manner, and

A fellow-servant with Bergami at General Pino's, as a postillion, he subsequently was taken into King Murat's stables, and thence hired by Bergami, whom he met in Naples in 1815, as one of the princess's footmen. As such he remained with her for three years, when he was discharged on his own request; and after trying horse-dealing at home for a short time, went for a few months into the service of the family of the Marquis of Odescalchi, with whom he travelled into Germany. Thence he went into the household of our ambassador at Vienna, when apparently the idea first struck him, if he did not receive the inducement, of becoming a witness against the princess. According to his own story it was when at Lord Stewart's that his father came to fetch him to Milan to see Colonel Browne, and, though only a poor carrier, had money enough to pay for their journey thither, and keep on the road, our ambassador finding him money on which to live at Milan. From Vienna he was fetched by some one, he could not tell whom, and brought to England. In reality, as he was afterwards obliged to admit, he had come to England with a Mr. Hyatt, of Gloucester, and lived in his service for

rushed out of the house. Lord Albemarle thought her insane, and her family said there was some madness below her eccentricities. Lord Denman, in addition, says that she was followed out of the house by Lady Anne Hamilton, and bled that night. Next day when she returned, he adds, "I never saw a human being so interesting Her face was pale, her eyelids a little sunken, her eyes fixed on the ground, with no expression of alarm or consciousness of guilt, but with an appearance of decent distress at being made the subject of such revolting calumnies."—Personal Narrative.

a short period, before he was transferred to London to join the other witnesses. He was forced to confess that whilst with Mr. Hyatt he had always given the queen the best of characters, and concealed the fact that he was about to be one of the witnesses against her.

In his examination-in-chief his memory of the most minute details of the relative positions of the rooms of the princess and Bergami appeared perfect. When, however, he was under the hands of Mr. Brougham, its defectiveness was equally patent. To every question, as to the position of the chambers of the other persons in the suite, he could only repeat his parrot-cry of *Non mi recordo*, until the expression became a byword.[7] He could not remember Baron Ompteda as a visitor, and frequently a resident at the princess's, or that he had repeatedly asked to be taken back into the princess's service. At last, when pressed again and again on this point, he admitted asking one of the suite, Count Scavini, the major-domo, to enable him to return, but "it was only in a playful way, in common conversation, as he was in the service at the time of Marshal Erba." His description of Mahomet's dance was grossly indecent, and he

[7] The correct translation of this answer was the subject of much discussion. The Marchese Spineto, the interpreter for the bill, translated it as "I do not remember—I do not recollect," and said it was equivalent to "Je ne sais pas" in French. Mr. Cohen, on the part of the queen, at the request of the queen's Attorney-General, was called in and gave the same interpretation, adding that "I don't know" would be rendered "Non so." As a further illustration, Cohen gave the translation of "Non mi recordo questo" as "This I don't recollect."

revelled in the beastly details which he swore it presented. We have already seen what was the real nature of that dance from witnesses of unimpeachable character, who saw the performance, as well as from others fully capable of describing its character from their own experience of it in other places. If he was to be believed, Bergami had the foolish audacity to pass through the room in which Majocchi slept, which was between that of the courier and the princess, and enter the latter, whilst the witness shammed sleep and looked at him with half-closed eyes. Yet he could not remember how Bergami was then dressed. Of the balls given at the princess's country house, the Barona, he gave only a less disgraceful account than the subsequent witness, Sacchi, in which it will be seen, when we come to that man's evidence, he was contradicted by the English witnesses for the queen. And he swore distinctly to the princess's visit to Bergami when in bed from his accident, which Dr. Holland as distinctly denied.

The Baron Ompteda, about whom, and whose acts, Majocchi was so conveniently forgetful, obtained an unenviable notoriety for his share in the procuration of witnesses against the queen, in which disgraceful business, not only the ministers of Hanover at the various small courts in Italy, but those of some of the lesser German potentates, were active participators. He was accused, and, it must be feared, with reason, of having gone to the extent of bribing one of the postillions to get false keys made to the doors in the Villa d'Este, in order to enable him more surely to play the spy, and for this false conduct was challenged

by Lieutenant Howman. He certainly was in secret correspondence with members of the princess's household, by which he sought to seduce them to give evidence against her. And his conduct became so notorious, that, as Carrington and Lieutenant Howman tell us, and we doubt not truly, Majocchi himself, who "could hardly remember him," declared he would "kill him like a dog," had not Howman given strict instructions to the household not to take any notice of the Baron. The character which the opinion of the day attached to Majocchi, of his being a "consummate liar," was well deserved. Even the counsel for the bill could hardly conceal their disbelief of the evidence of "*Non mi recordo.*"

Pietro Cacchi, the waiter at the inn at Trieste, where the princess stayed, was a despicable witness. By his own admission it was his custom to look through a slit in the canvas that covered one of the doors of the dining-room, to see, as he said, whether the guests were ready for breakfast. In this discreditable occupation he repeatedly witnessed, not only acts of most indecent familiarity committed by the princess and Bergami in the dining-room, but also from the same spy-hole saw the latter, in undress, leave the princess's room a little after eight in the morning on more than one of the six days during which he swore the princess stayed at his inn. The appearance of this creature, to judge from Brougham's portrait of him, was loathsome in the extreme. "Did not their lordships recollect that physiognomy; the never-to-be-forgotten expression of that face; those eyes, that nose, that lecherous mouth with which the wretch stood there

to repeat the falsehoods, the wicked suggestions of his own filthy imagination, to which he had sworn at Milan. Would they not for ever remember that hoary pander of Trieste—the manner in which he told his story; the haggard look which gave him the appearance of an inhabitant of the infernal regions, which must have reminded their lordships of the great Italian poet's description of a broadfaced tailor in hell peeping and grinning through the eye of a needle."[8] Unnecessary as it was to contradict such a witness, it was clearly proved by Count Vassali, the equerry, that the princess stayed only a day and a night at Trieste, instead of the six days during which he swore they were "All day, every day, always together arm-in-arm," and he repeatedly witnessed from the convenient slit in the canvas the brother coming through his sister's room to keep his usual assignation with his royal mistress.

After the Italian waiter came the German chambermaid of the inn at Carlsruhe, Meidge Barbara Kress, whose production as a witness was due to the ingenuity and perseverance of no less than three German ambassadors—Berckstett, the minister of the Duke of Baden at Carlsruhe, Herr Von Grimm, the ambassador of Wurtemberg, and Von Reden, the representative of Hanover, who subsequently, as the successor of Ompteda in that capacity at Rome, persuaded Cardinal Gonsalvi to refuse a guard of honour to the queen.

Brought up from very early years in the lowest

[8] Brougham in his speech for the defence, when commenting on the witnesses for the bill.

offices of inns, Kress had risen from the cellar to chambers, and then left, as she said, to marry. When the princess arrived at the Post Inn, Von Grimm and his brother, who were residing there, adroitly gave up their rooms to her; and no sooner had she gone away than they were back running about them, looking into every hole and corner, and asking questions of Kress, in search of the evidence they were no doubt instructed to obtain. By them she was taken to Hanover and to Frankfort for examination, and paid in the one case eighteen, in the other fourteen ducats, a little fortune to one who was receiving such poor and precarious wages as the inn servant.[9] Yet, after all, though she was certain about a damning stain on

[9] It was in reference to the way in which this witness's evidence had been procured that on a subsequent occasion, when the question of agency was brought forward (Oct. 16th), that the Earl of Carnarvon condemned in a most pointed manner the way in which the case had been got up in reference to the Carlsruhe evidence, "which rested on the testimony of one witness—a witness, too, that had been examined not by the Milan Commission, but by the Hanoverian minister, and afterwards taken to Hanover. "Was that minister," said the Earl, "an authorized agent, and who was responsible for his acts? Did ministers adopt the conduct of the Hanoverian minister—or who was to be responsible for the acts of a little German despot? Perhaps not only the ministers employed in this business were those of the King of Great Britain, but also of the King of Hanover and the Duke of Cornwall. If the real constitutional advisers of his Majesty were responsible for all that had been done, he believed they would have to answer for the most disgraceful means which compromised the character of this country. Every principle of justice, every feeling of truth and common sense, were at variance with what had been done in this miserable case."

Bergami's bed, she spoke with hesitation as to whether it was his sister Oldi, or the princess, that on one occasion she for a moment saw in his room, and was not worth the liberal compensation by which her visit —her compulsory visit as she swore—to England was secured. The fact, which she disclosed, of the existence of another commission for the collection of evidence, besides that at Milan, and of the part so industriously taken by the ministers of the viceroy of Hanover, and other minor German sovereigns, tended to throw further discredit on the means by which the case had been got up against the queen.

Again we come back to an Italian witness, Paolo Raggazoni, the mason of Biango, who was employed on the alterations and additional buildings at the Villa d'Este, and who swore that from behind a pilaster in one of the rooms in a grotto, where he was making a cornice, he saw the princess and Bergami acting indecently with two statues of Adam and Eve that stood there. According to his own account of himself, he was a master mason, with from twenty to thirty men under him as the contractor for the whole work. But Gugiari, the princess's factor, who had to keep the accounts and pay the workmen, and Giarolini, who had taken the contract for the works from the architect, Ratti, to the extent of more than 5000*l*., knew him only as a day labourer, with no one under him. The latter concurred with the factor in stating that the statues could not be seen from the octagon room in which the cornice was being put up, and that before the princess returned from the East they had been removed to a newly-built room, which had been com-

pleted, and in which no workmen were then employed. In this case, no doubt, it was Italian witness against Italian witness; but it would be a libel on both of these men to put them in the same category as the workman whom they contradicted.

It was during the examination of Giarolini[1] that an incident occurred, throwing the utmost discredit on the managers of the bill. Giarolini swore that Rastelli, who had been called as a witness for the bill, and been proved to be a most active agent of the Milan Commission in hunting up witnesses, had tried to tempt him to give evidence against the queen, by promising to get the balance then due on his contract paid by "the English gentleman." As this was apparently a new fact, the queen's Attorney-General demanded the recall of Rastelli, who had been examined on the 4th of September, and he was not forthcoming. He, it was said, had been sent back to Milan to allay the fears of the relatives of the witnesses who had been mobbed at Dover, and though expected and ordered back before the 3rd of October, when the case for the queen was to be commenced, had not returned. In the long and angry debate that ensued, the Premier admitted that this sending away of the witness was highly culpable, but attributed it to kindly motives towards the other witnesses. Powell, of the Milan Commission, who had taken on himself to send away Rastelli without communication either with the ministry or counsel, was twice examined, and at last compelled to submit

[1] This witness was called on the 13th of October.

his correspondence on the matter with Colonel Browne at Milan to a committee of the House of Lords.

"He swore that he had selected Rastelli for the mission because he had brought over so many of the witnesses, and knew their friends and relatives. No doubt these could have applied to Colonel Browne, but he had received depositions that they were not satisfied with his assurances. Though he had sent documents by Rastelli for legalization, he had instructed Browne not to detain him for that purpose, so as to prevent his return by the 3rd of October, and *he was not sent for fresh witnesses.* He did not know that with the exception of the family of Majocchi, those of all the other witnesses lived away from Milan, and he admitted that previously letters from all of them had been sent to the colonel. But the witness did not know, though it appeared on the minutes of evidence, that Rastelli had sworn that he had never seen one of the eleven witnesses he brought over before they came with him, and that he did not know them or their families."

From the report of the committee to whom the correspondence with Colonel Browne was referred, it appeared that Powell had written him that he had sent Rastelli to him "as he might be of use to him, but he was to send him back *with all the witnesses* and documents so as to arrive here on the 3rd of October; that he was conscious of the difficulties Browne had to encounter in consequence of the injurious reports, and he relied on his exertions to get over them." It is to be noted, that not one word was written to Colonel Browne of using Rastelli for the purpose of quieting the fears of the relatives and friends of the witnesses, and that though in his examination by the Lords, Powell denied that any witnesses were to be brought back by Rastelli, it is distinctly stated in his letter that one object of his mission was "*to bring back witnesses*" as well

as the documents. On the 3rd of October, Colonel Browne reported Rastelli ill of fever, and the next day of jaundice, that "he dreaded the thoughts of going to sea, and could not, without imminent danger, be engaged to travel in less than three weeks." Talleyrand would not, as in Metternich's case, have expressed himself unable to understand why the courier was so conveniently an invalid.

Louisa Demont, the Swiss waiting-maid, now comes on the scene, whose evidence covers the first three years of the princess's travels.[2] Hired at Lausanne in 1814, she was with her from the arrival of the princess at Naples until after her return from the East, and from the nature of her service in constant attendance on her mistress. Her account of the princess's early return from the opera at Naples and at the masked ball we have already seen fully contradicted, and Sir William Gell and Dr. Holland will be accepted as better judges of the Countess Oldi's Italian than the Swiss chambermaid. Of the value to be attached to those of her statements

[2] "This witness, of whom so much was expected and of whom the people have heard so much, wore a handsome black satin hat, ornamented with feathers; a muslin ruff, highly plaited; a white silk handkerchief over her neck and bosom, and a black satin gown, vandyked at the top, and profusely decorated with flounces at the bottom. She is the smartest dressed of *femmes de chambre*, but neither the youngest nor the prettiest. She appears to be about thirty-six years of age. In complexion a brunette; her cheeks shrunk and shrivelled, and her eye more remarkable for an expression of cunning than of intellect. She advanced to the bar with a degree of confidence which even the penetrating glance of Mr. Brougham, who eyed her most perseveringly 'from top to toe,' did not at all affect."—Note, vol. i. p. 480 of T. Kelley's edition of the "Trial of the Queen."

which decency forbids us to report, we have the following means of judging. Though so long in the service of the princess, she had the misfortune to be discharged for telling and writing a libel on her mistress, that she was in love with the courier Sacchi. On her discharge she returned to her native village of Columbier, in the Pays du Vaud, where, according to her own report, she was much courted for the sake of the journal of her service which she had with her, in which she spoke fully of her late mistress. There she lived in the cottage of her stepfather, a small proprietor farmer, on her own savings and a property which her guardian held for her use. She had left her sister Mariette in the princess's service, and she was forced to admit that, though, when she left, she knew all that she related to the discredit of the princess, she was exceedingly anxious to get a younger sister taken into the same employment. At first she said that it was not until after the lapse of a year that she was spoken to, or spoke about the princess, but at last she admitted correspondence with her sister. Trusting, probably, that the letters themselves were not in existence, she could not recollect the effusive praises of the character and the fervent regret at the persecutions of the princess with which they abounded. When, however, the letters were produced, and she was obliged to acknowledge them, her recollection somewhat revived, and she excused these expressions on the ground of the attachment she then felt for the princess, and endeavoured to explain away a deliberate lie in one, as a "*double entendre.*"

The letters themselves are too long to be quoted in

full, but for some extracts space must be found. In that to her sister, dated Columbier, 8th February, 1818, after congratulating her on her happiness in her situation, about which she has no doubt, "knowing well the extreme goodness of her Royal Highness, and of all those with whom you have anything to do," she speaks of the cordiality of her reception in her native country, and of the amusements so kindly provided for her, and thus continues,—

"Can you conceive that in the midst of all these numberless pleasures I was sad and silent? Can you not divine the cause of my deep sadness? Alas! it was only the regret and grief at having quitted her Royal Highness, and at knowing she had mistaken my character and taxed me with ingratitude. Oh, God! I would surrender half my life, could she but read my heart; she would then be convinced of the unlimited attachment and perfect gratitude I always entertain for her august person. I would have wished my dear Mariette to have written to the count (Bergami?) to thank him for the kindness he has shown me, but I am afraid to trouble him; tell him that the few lines which he has had the goodness to write to me have in fact afforded me a little tranquillity, since they made me hope for pardon. Ah! why was not the spirit of her Royal Highness at my side? She would then have found whether I was ungrateful. How often in a numerous circle, whilst with all the enthusiasm that animated me, I enumerated her great qualities, her talents, her mildness, her patience, her charity—in short, all the perfection which she possesses in so eminent a degree:—how often, I say, have I not seen my hearers affected, and heard them exclaim, 'How unjust is the world to cause such unhappiness to one who deserves it so little, and who is so worthy of being happy!'"

Again, after speaking of the sensation her journal had excited with its record of "the traits of sensibility and generosity which the princess has shown—

the manner in which she has been received, applauded, cherished in all places they had visited"—and her anxiety that in it the princess should appear what she really is, and full justice rendered to her, Demont relates the following dramatic incident.

"On the 24th of last month I was taking some refreshment at my aunt Clara's, when I was informed an unknown person desired to deliver me a letter, and that he would trust it to no one else. I went downstairs, and desired him to come into my room. Judge of my astonishment when I broke the seal: a proposal was made to me to set off for London, under the *false* pretence of being a governess. I was promised *high protection* and a most brilliant fortune in a short time. The letter was without signature; but to assure me of the truth of it, I was informed I might draw at the bankers for as much money as I wished. Can you conceive anything so singular. Some lines escaped from the pen of the writer which enabled me easily to discover the cheat, and I did not hesitate to reply in such terms as must have convinced him I was not quite a dupe. Notwithstanding all my efforts, I could draw no *éclaircissement* from the bearer: he acted with great mystery. You see, my dear, with what promptitude the enemies of our generous benefactress always act. There must always be spies about her, for no sooner had I left Pesaro than it was known with all its circumstances in the capital of Europe. They thought to find in me a person revengeful and ambitious; but, thank God, I am exempt from both these failings; and money acquired at the expense of repose and duty will never tempt me, though I should be at the *last extremity*. The Almighty abandons no one, much less those who do that which is agreeable to him. '*A good reputation is better than a gold girdle.*'"

That this English offer was a deliberate invention Demont, after almost endless equivocation, had at last to admit. Her first explanation of it was, that it was invented to persuade the princess that she would not be a witness against her even if she went to England; her

next, to let her sister know, that if she also was discharged, the writer would pay her expenses to England. The real object is patent, she wished to frighten the princess into taking her back into her service. Again, she said, that her sister and herself had agreed to put a private mark on their letters, by which each would be able to understand the mysterious *double entendre* of the other. But she could not remember if the only letter received by her from her sister had such a mark, or whether it was to be at the end or beginning of their letters, and no attempt was made to point such out in the letter from her which was produced. She indignantly denied, on her cross-examination, that she was in want of money, though so long out of service, but in her letter she tells a very different story, and presses her sister to send the two napoleons she owes her. When later during the case she was recalled and asked "whether she had not broken into a rage with a dressmaker in her neighbourhood, who asked if the princess was not 'a femme gallante,' and declared that it was all calumny," all she could say was that "she did not recollect it," "had not the least idea of such a conversation," "but would not swear she did not;" whilst Madame Martigny, the dressmaker in question, gave time and place for the statement, and nothing could be attempted against her by the Attorney-General, but the insinuation that her husband had been a bankrupt, which was indignantly denied, and of which no proof was attempted to be offered.

In addition to this letter, replete with these effusive praises of the princess, on the 16th of the previous

November she wrote direct to the princess, humbly begging her to destroy the libellous letters about Sacchi, which had come to the hands of her mistress; imploring her "to restore her to her previous favour," and saying that "could she receive that sweet assurance before she died, it could alone restore her to life." In this letter she recommends her sister Mariette to the favour of the princess, and thanks her and the baron for their kindness in permitting one of the suite to accompany her to her home. Much more could be brought forward to illustrate the equivocation and downright falsehood of this witness in minor points.[3] Enough, however, we conceive has been detailed to show how little reliance could be placed on her testimony, and to further expose the system by which so much of the evidence against the queen had been procured.

Guiseppe Rastelli's evidence was brief but, if credible, decisive. The princess at Pesaro, he swore, had an Italian carriage called a padonavello, in which, on a cushion that ran lengthways down the vehicle, and on which the passenger sits on the knees of the driver, he more than once saw the princess sitting thus on Bergami's legs, and both of them so covered with a long driving cloak as to admit of indecent familiarities on her part. When Bergami had been away some days from Pesaro, on his return the princess drove out to meet him, when he ran to her carriage, got in and kissed

[3] It should be mentioned that it was Sacchi, about whom she wrote the libellous letter on the princess, who came to her mother's to fetch her as a witness and stayed in the village some time, and that she was one of the batch of witnesses which that industrious agent brought over to England.

her in Rastelli's presence. In the princess's household, Rastelli was in the stables, and when he was dismissed, not as was insinuated for stealing corn, but for speaking insolently of Bergami, he remained out of employ until taken into the service of the Milan Commission. To that body he was a most active servant, travelling with the Chief Commissioner as courier on numerous journeys, going into Westphalia in search of Crede, the man who had confessed Ompteda's malpractices, and bringing over to England nearly a dozen of the witnesses. The lame excuse on which he was sent away after his examination has been already related, and by his absence we are prevented from knowing more of his history and his acts. Beyond the denial of the princess having such a carriage as a padonavello, or ever using such, made by Count Vassali, the credibility of his revelations must rest on their improbability. The indecency to which he swore would hardly have been committed by the most abandoned woman—the public kiss not likely to have been bestowed by one who knew that her every action was watched by well-paid spies.

The last of these Italian witnesses whom it is necessary to notice at any length is Guiseppe Sacchi, courier and equerry, about whom Demont confessed that she libelled her mistress when she wrote that "she loved him as much as ever." He did not join the suite until November, 1816, and remained only a year. Yet, if he spoke the truth, the princess, in relation to the Barona balls, conversed with him in most indecent language, and openly ridiculed his immoralities with several of the younger visitors.

According to this witness, on the road from Rome to Senigaglia he witnessed an incident, the mere description of which "would raise a blush on the cheek of the impure." He swore that on that journey he rode as courier, and as such was wont, without being summoned, to range alongside of the princess's carriage, undraw the curtains, and ask for orders. The journey occupied two nights, and during it he swore that the princess and Bergami travelled alone in a carriage which was closed at night by external curtains. Riding up to it on one of these mornings, as he drew back the curtains, he witnessed, on the part of the sleeping travellers, this gross indecency, and at once, shocked at the sight, replaced the curtains and resumed his former position.[4] Now, Colonel Olivieri, who joined the suite, as an unpaid equerry at Rome in 1817, swore that the carriage in which the princess travelled was like an English landaulet, with glass at the sides and front; that the curtains were inside, and drew up and down as is usual with a spring, and that in that carriage not only were the princess and Bergami, but Madame Oldi and the child Victorine, and that Carlo Forti and not Sacchi set out with the suite as courier. In this he was confirmed by Count Vassali and Carlo Forti, and the latter explained why, on account of illness, Sacchi was sent forward in a carriage to hire and pay for horses at the various posts, and added that, when the Countess Oldi, in consequence of an accident on the road, exchanged into

[4] Considering the speed at which the princess was travelling, the difficulty of thus drawing back the curtains is another reason for disbelieving the tale.

another carriage, Demont took her place in the landaulet, and that Oldi sat between Bergami and the princess, and the child generally on the knees of the latter.

This witness fared very badly in his cross-examination by Brougham. He could not deny that he had been an active hunter up of witnesses for the Commissioners, and had stayed at Columbier six weeks, when he went there for Demont. He, like Demont, had changed his name, but when asked at what time, when, and why, he fell into confusions and contradictions. At first, he said, that he did so because of the Dover tumult, but soon after laid the date in the year preceding that of the assault on the witnesses, merely on some one telling him that it might be dangerous to be known as a witness against the queen. He had concealed from the clergyman with whom he lived in England that he was a witness against the queen, and would not swear that he had not been called a count. Though in easy circumstances he did not remember representing to the princess that he was in a dreadful situation and begging her in pity to take him back, though he might have done so to one of her suite. And when he told a Spanish friend, who afterwards discovered and disclosed who he really was, "that he had a law-suit with the princess," like Demont's story of the English offer, it was only "a *double entendre*," and meant "that he was in the cause against her." Besides the names to which he acknowledged, "he was called by another, but begged to conceal it, as it might expose him to some malcontent persons." Against Olivieri and Forti nothing could be proved in cross-examination. Against Vassali the only im-

putation was, that after he was released from her service at St. Omer, he had gone to Milan and Paris to facilitate the coming of the witnesses on the queen's side, and at both places had frequently seen Bergami. Olivieri had not seen Bergami since he left Rome in 1817, and Forti appears not to have had any late communication with the favourite courier. Both Olivieri and Vassali were old soldiers of repute in the army of France or her dependent states, and the former had risen, apparently by his own merits, to a high position in that service. It is needless to consume any more words over Sacchi, who in his minor accusations was quite as satisfactorily contradicted, as in this grave charge of gross and criminal indecency.

So far we may feel satisfied that the charges against the queen have been either satisfactorily disproved by reliable witnesses, or found to rest on the evidence of persons on whose testimony no one would care to depend, even in a case of trivial importance. One charge, however, still remains to be considered, on which it is impossible to arrive at so satisfactory a conclusion—that of the beds of herself and Bergami being under the tent on the deck of the "Polacca" during the voyage from Jaffa to Sicily, and of the tent being nightly closed after both of them had entered it. This charge, unfortunately, does not rest on such testimony as that of the Italian captain of the ship and his mate, or of persons of the character of the Rastellis, the Sacchis, or of Demont. Lieutenant Flynn, who was the princess's responsible captain during the voyage, and Lieutenant Howman, her private secretary, admit, though they excuse and even justify the act,

and to that extent they restore credit, even on other points, to the Italian witnesses. True it is, that from within the tent to the deck below the hatchway was always open, and any one from below could, had they pleased, have gone up its ladder into the tent, and that Lieutenant Howman once did so, and retreated directly, finding all things dark and the tent closed. True, also, that the man at the helm was always in close proximity to the tent, and that the light from the binnacle shone on it. True, that the watch on deck would repeatedly at night pass that side of the tent where it did not reach to the ship's bulwark. True, that according to reasonable testimony, the princess during the voyage took off only her upper garment when she lay down, and that Bergami himself was always found to be decently clothed when seen, within the tent. Still, there they were in dangerous proximity, shut in from all but intentional observation during the hours of the night, and that no female, except the princess, during that time, was beneath its canvas. This conduct was justified by Howman and Flynn on the ground that it was advisable that some man should sleep near the princess for her protection—a result that might easily have been secured by an outside guard, and for which it is difficult to see any substantial reason. Again there was the admitted fact that, after both had been shut within the tent, the light was put out of the door and taken away, so as to leave all dark within, should any one, as Howman did, come up the ladder. We have the evidence of Howman and Flynn, not to mention others, that they thought no harm from

the conduct which the princess uniformly showed in her relations with Bergami, not only at other times but when, on the tent being opened, he was seen within. We have also the declaration of the queen on her death-bed, that she had never wronged her husband. Still, for many a long night, the opportunity for criminality was thus safely furnished, and some of the Lords, who for other good reasons refused to vote for the bill, could not but feel that, on that point alone, they were justified in passing its second reading. In the end it was the only point really relied upon by her accusers, and probably it was the one on which the verdict turned against her. That, as to the bulk of the charges, the queen was the victim of an extended and well-paid conspiracy no one can doubt who has carefully read not only the evidence which was admitted, but the statements of her counsel, which were not indeed legally proved, but were not attempted to be contradicted by her opponents. Still there was the one blot that could not be erased, but which was made all the more black by the evidence of her own witnesses. Little as is the reliance that can be placed on the denials of accused persons, let us in mercy accept the denial of this persecuted wife, and be content with the result that the Lords were justified on the evidence before them in the verdict which they delivered, though it may be feared that so many of them gave it from party motives.[1]

[1] "'Very few people,' writes Mr. Greville in his diary, under date Oct. 15, 1820, 'admit any medium between the pronouncing the queen quite innocent, or judging her guilty, and passing the bill. Until the evidence of Lieutenant Howman, it

Over the concluding speeches of counsel on both sides we need not delay, to our present taste portions of two of them were marvels of indecency.[2] That they did their duty to their clients will be as readily admitted as that they were replete with the most admirable dissection of the evidence and explanation of awkward facts. Here and there were examples of eloquence to which we now are strangers in our more matter-of-fact days, and nowhere out of respect to either of the parties concerned was there any hesitation or delicacy in outspeaking. In their bitterness they were only rivalled by those of the peers in the discussion that preceded the second reading of

was generally thought that proofs of her guilt were wanting, but after his admission that Bergami slept under the tent, with her, all the unpredjudiced men seem to think the adultery sufficently proved. The strenuous opposers of the bill, however, by no means allow this, and make a mighty difference between sleeping under a tent and being shut up at night in a room together, which the supporters of the bill contend would have been quite or nearly the same thing. The Duke of Portland, who is perfectly unprejudiced and has always been violently against the bill, was so satisfied with Howman's evidence that he told me that after that admission by him he thought all further proceedings useless, as the fact was proved, and he should not listen to any further evidence. Still he will not vote for the bill, because inexpedient, on the ground of the recriminations that would ensue in the House of Lords.' Said this to the Duke of Wellington, who replied that the 'king is degraded as low as he can be.'"

[2] For instance, Denman's allusion to the innocent Octavia, Nero's murdered wife, and the gross quotation, though shrouded in Greek, of Octavia's maid to Tigellinus, suggested to him by the coarse-minded Dr. Parr, and Copley's remark on the excuse set up of the princess and Bergami being both dressed when under the tent.

the bill, in which personal and party feelings were given full rein. The ministry fought for their credit as a ministry; the personal friends on both sides for the characters of their patrons, and the opposition gladly took up a cause in which they knew they were supported by the bulk of the people of all classes, not so much from a firm belief in the queen's innocence as in disgust at the conduct of the king, her real prosecutor.

During three days the attack and reply was sustained, and then the second reading of the bill was affirmed by a majority of 123 to 95. In this division the Dukes of York and Clarence voted for the bill, and the Duke of Gloucester against it. Of the episcopal bench eleven, including the Archbishops of Canterbury and Tuam, were in the majority, and the Archbishop of York alone in the minority.[3] When

[3] On going into committee, Lord Darnley made the following pungent remarks on the constitution of the majority :—"A large portion of it had consisted of the accusers themselves—a great proportion consisted of persons who were in the habit of receiving favours from the Crown, and he would state one fact which seemed to him material, namely, that ten of the junior barons had voted for the bill, whilst eighteen senior barons voted against it. From this fact he could only draw one inference, that it had not been owing to any individual infirmity peculiar to themselves, but owing to that irresistible bias arising from circumstances which, whilst human nature remained what it was, ought always to disqualify persons in such a situation from acting as judges." The following analysis is given in a note to the copy of the evidence now used :—Two princes of the blood, holding high offices during pleasure, 2; cabinet ministers, the avowed prosecutors, 9; persons holding offices dependent on the prosecutors, 13; Archbishop of Canterbury,

the House met on the next day, November 7th, Lord Dacre presented an indignant protest from her Majesty, which after some hesitation was entered on its journals "as a representation of what her Majesty had further to state in that stage of the business."

In her protest, after making this in the most solemn manner, the queen added :—

"Those who avowed themselves her prosecutors have presumed to sit in judgment on a question between the queen and themselves. Peers have given their voices against her, who had heard the whole evidence for the charges, and absented themselves during her defence. Others have come to the discussion from the secret committee with minds biassed by a mass of slander, which her enemies have not dared to bring to light.[4] The queen does not avail herself of her right to appear before the committee, for to her the details of the measure must

who had prejudged the case by erasing the queen's name from the Liturgy, 1 ; three peers who attended the prosecution, but who were absent during the defence (Duke of Newcastle, and Earls Sheffield and Home), 3 ; Total, 28.

[4] During the case, the Attorney-General asked for time to bring over the remainder of the witnesses, whose depositions were included in the Green Bag, but after a day's consideration withdrew the request, on the plea that they were so terrified that they had gone home and could not be got back—at any rate in reasonable time. In consequence, also, of the way in which Colonel Browne was implicated by several of the queen's witnesses, and especially by Codazzi, the clerk, who swore that he was privy to the bribes Vimercati gave him for stealing the queen's papers from his master, at the close of the witnesses for the defence, the Attorney-General applied for time to bring over the colonel, but was refused by the House.

be a matter of indifference; and unless the course of these unexampled proceedings should bring the bill before the other branch of the Legislature, she will make no reference whatever to the treatment experienced by her during the last twenty-five years. She now most deliberately, and before God, asserts that she is wholly innocent of the crime laid to her charge, and she awaits with unabated confidence the result of this unparalleled investigation."

In the committee, after Pergami's name had been altered to "Bergami," and the charge of "obtaining for him orders of knighthood and letters of honour," had been struck out, Lord Liverpool endeavoured to strike out the word "*the*" from the paragraph in which the queen was charged with having "conducted herself towards Bergami in *the* various places and countries where she visited with indecent and offensive familiarity and freedom." It was in vain, however, that the Premier urged that such had not been proved to be the fact "in *all* those places and countries," and subsequently that several lords had voted for the bill on the anticipation that this alteration would be made. The House adhered to this portion of the preamble, though its leader admitted its falsehood. Then came the battle over the divorce clause, to which the Archbishop of York objected on the ground of the absence of that reciprocity in the marriage vow, on which alone it could be justified, and several members of the episcopal bench on the broader ground of its being inconsistent with Scripture. Lord Liverpool felt the danger into which he was falling, and sought to avoid it by substituting for the obnoxious clause one confirming the

separation, which was notorious. But the friends of the queen saw their advantage in retaining the whole bill, and the attempt was defeated. The result was, that on the division on the third reading the majority mustered fifteen less, whilst the minority was increased by four votes, and thus it was carried by the miserable majority of only nine. Lord Liverpool, who before this had got heartily sick of the whole proceeding, realized the impossibility of facing the angry Commons with such a bare majority, and at once moved to substitute "be read this day six months," for "this bill do now pass," To this motion the House agreed without a division, only too glad to be rid of the bill and its consequences.[5]

[5] The following account of the queen at the conclusion of the trial, apparently before the withdrawal of the bill was known, is given by Mr. Fitzgerald in his late life of George IV., presumably from the diary of the Hon. H. Grey Bennett, who was member for Shaftesbury in the Parliament elected in 1820. "I met her coming out alone from the waiting-room preceded by an usher. I stopped involuntarily. I could not proceed, for she had a dazed look, more tragical than consternation. She passed me. The usher pushed open the folding-doors of the staircase. She began to descend. I followed instinctively two or three steps behind. She was evidently all shuddering, and she took hold of the bannister, pausing for a moment. Oh that sudden clutch with which she caught the railing. It was as if her hand had a skinless heart. Four or five persons came up from below before she reached the bottom of the stairs: I think Alderman Wood was one—I knew not where I was. In a moment a shouting in the balcony above, and a number of gentlemen from the interior of the house roused the multitude. There began a cheer; but at first there was a kind of stupor, but the sympathy soon became general, and winged by the voices soon spread up the street. Every one instantly between Whitehall and Charing Cross came rushing down, filling old and new Palace Yard, as if

The brief remainder of the life of the unfortunate queen can be shortly told. After a temporary hesitation she accepted the liberal provision made for her, and retired, till her death, to Brandenburgh House. Her visit to St. Paul's, to return thanks for her deliverance from so great a peril, was the last occasion on which she enjoyed a popular triumph. When the coronation, so long delayed, was at length decided on, her right to be crowned with the king was argued for, but in strict legality refused, as was that to be crowned separately on a future day. Acting under ill-advice she attempted to force herself into the Abbey, and was repulsed, and as is ever the case with a mob, when a popular favourite fails, received with jeers by her former applauders. In a very brief time her rapidly fatal illness carried her off, and the miserable scenes followed of the hurried funeral, and the ill-arranged attempts to prevent her corpse being carried through the City, on its way to her home.[6] Happy would it have been for her, happy for England, had she never been tempted to leave her home by the splendid bribe of the future crown of England, and thus the most painful and humiliating chapter in our annals since the days of the uxorious Tudor not have had to be written.

a deluge was unsluiced. The generous exultation of the people was beyond all description."

[6] At the beginning of the month of August, 1820, the queen was seized with internal inflammation, which, from her corpulency, rapidly assumed a fatal character, and on the night of the 7th she passed away with but little suffering, with her last words professing her fidelity as a wife, and pardoning her husband for his cruel persecution of her.

CHAPTER XI.

THE BOTTLE CONSPIRACY.

ATTACK ON THE MARQUIS WELLESLEY AS LORD-LIEUTENANT OF IRELAND,

DECEMBER 14TH, 1822.

TRIAL OF FORBES AND OTHERS,

FEBRUARY 3RD, 1823.

TOWARDS the close of the year 1821 the accession of the Grenville party to the Cabinet was at length effected, and, as part of the arrangement, a momentous change made in the Government of Ireland. Lord Wellesley, hitherto the open advocate for the immediate concession of emancipation to the Catholics, was made Lord-Lieutenant, with Mr. Plunkett, the equally constant supporter of that measure, as his Attorney-General; and, as a set-off, with Mr. Goulburn, the equally firm opponent of all concession, as Chief Secretary.[1] In assuming his office, the marquis assured his political friend, the new Duke of Buckingham, that "his opinions on the Catholic claims remained unaltered, but that the course of Government must be regulated by practical considerations, in the present state of the country, in which persons

[1] See *ante*, p. 246.

of different sentiments may cordially concur—an impartial, equitable, and mild administration of the law (of which the alteration could not be effected or attempted by the Lord-Lieutenant) was the only safe course which could now be pursued, and the only channel through which they can ever reach a happy and a permanent settlement."[2] Confident in his own powers, and probably expecting that in Ireland he could be as autocratical as he had been in India, he went to his post "in high spirits, narrating to his friend his past victories in India, and anticipating future ones over the Irish."[3]

These appointments were regarded as a commencement of a new system of government for that unhappy island. "Under such new auspices it was supposed that every ebullition of that spirit which exulted in the depression of the Catholics would be discouraged; the zeal of the Orange party repressed; the affections of the Catholics would be conciliated; and from the vigorous measures, which the energy of Lord Wellesley's character would lead him to adopt, coupled with his freedom from anti-Catholic prejudices, his administration, it was hoped, might prove an epoch from which Ireland might date an era of internal union and tranquillity."[4] Unfortunately, the attempt was a serious failure. Though the administration of

[2] Marquis Wellesley to Marquis Buckingham, December 3. Duke of Buckingham's "Memoirs of the Reign of George IV."

[3] C. W. Wynne to Marquis Buckingham, Christmas-day, 1822.—"Memoirs of the Reign of George IV." There is in this letter an imputation on Lord Wellesley, which, if it really means what it appears to mean, ought never to have been published.

[4] *Annual Register*, 1822, chap. i., which furnishes a most

Ireland was in the hands of the friends of the Catholics, it was seen from other appointments that there was no intention to carry out, in office, the policy Wellesley and Plunkett had so strenuously advocated in opposition. The Catholic party were not likely to be satisfied with the discouragement of Orange toasts at public banquets, or the prohibition of decking King William's statue with orange ribbons. The Protestants, on the other hand, were only more irritated by such trifling interferences with their party practices, and led to attach to them more importance, simply because they were discouraged in high quarters.

The new Lord-Lieutenant created further dissatisfaction by the adoption of India-bred habits. "Shutting himself up in Phœnix Park; lying in bed all day; seeing nobody, and only communicating, and then but rarely, with his secretaries, by letter."[5] He could not forget that he was not still a Governor-General of India.

The bitterness of the feeling between the rival parties was soon exhibited. Whilst the Catholic prelates and laymen hastened to present an address of congratulation to the new Lord-Lieutenant, the Corporation of Dublin showed their feelings by one of condolence to Saurin, the able, but too Protestant an Attorney-General for the new *régime*, on his removal to make room for Plunkett. This was followed

impartial and full summary of the commencement of this administration, and the pitiable state of the country.

[5] C. W. Wynne to the Duke of Buckingham, April 16 and 22.—Duke of Buckingham's "Memoirs of the Reign of George IV."

defeat of an attempt to introduce Catholics into corporations, and the abandonment of the proposed dinner of conciliation to commemorate the late royal visit.[6]

In addition to this increase of bitterness between the better classes in Dublin, the outrages by the small farmers and peasants in the country districts increased to an amount almost unparalleled in a civilized country. Nearly the whole of the province of Munster was in a state of civil war, despite the increase of troops and the stern severity with which the legal tribunals discharged their functions. Among the first official documents that reached Lord Wellesley was one from twenty-eight magistrates of the county of Cork, representing that "the progress of this diabolical system of outrage during the last month had been most rapid and alarming, and that from the want of adequate assistance they had been obliged to remain almost passive spectators of its daring advances until, at length, many had been obliged to convert their habitations into garrisons, and others had sought refuge in the towns." Hundreds of armed men attacked the houses of respectable residents, and used the utmost violence in the search for arms and plunder. The troops had to encounter masses, amounting to thousands, and to fight regular battles, and in one case—that at Bandon—the whole population of a district had gone to the mountains to join the insurgents. Nor were these

[6] Motion on January 14th, at quarterly court of the Guild of Merchants, for the admission of Catholic freemen, adjourned *sine die* by 180 to 59.

outrages confined to one county; even in Protestant Ulster there had been gatherings of armed men, evidently from other districts; a great demand for arms in Belfast, with a growing practice of administering unlawful oaths, and the formation of committees of correspondence with similar bodies sitting in the Irish metropolis. The Lord-Lieutenant did his best with the powers at his command, and was ably and earnestly assisted by the local magistrates; but they were powerless against the masses who were directed by a central authority, and had every advantage in their attacks, from their intimate knowledge of the country, and the difficulty of pursuing them into their mountain retreats.

The attention of Parliament was at once directed to the serious state of affairs. The Insurrection Act was renewed, and at the same time that for the suspension of the Habeas Corpus Act passed, after a warm opposition, especially to the latter measure. It was asserted, and with truth, that political dissensions had little, if anything, to do with these outrages; and that the suspension of the Writ of Habeas Corpus was useful only when violent political agitators were abroad, and it was desirable that Government should have the power of removing them from the scene of their operations. Eventually both bills were passed through Parliament, together with another restricting the purchase of arms and gunpowder, as well as one indemnifying those who, since November last, had seized arms or powder without legal authority.[7]

[7] The leading opponents of these bills were Sir John New-

Though the Irish Government lost no time in using the powers entrusted to it, it was long before any real effect was produced. At Limerick and Cork the calendar of prisoners was enormous. In the latter place no less than 366 offenders were brought to trial. At length the southern and western districts of Munster were reduced into a somewhat better order, and Connaught seemed tolerably quiet; but in Tipperary and Kilkenny there was but little cessation of the former spirit of disorder.

As one evil slowly ceased, another appeared, not less terrible, and causing the utmost distress and suffering. Before the beginning of May the whole of the provinces of Connaught and Munster were in a state of actual starvation. From the almost incessant rains of the previous year, the potatoes had decayed and perished in the ground, and the peasantry had been driven to consume those reserved for seed. The dreadful scourge operated for a time as a queller of the discord which the troops and the courts could not repress. The starving peasantry could no longer gather in the mountains. They had to flock to the towns to receive the doles of food furnished by committees, magistrates, and corporations.[8] In Eng-

port, Sir Francis Burdett, and Mr. Brougham. On the motion for leave to bring in the bill for the suspension of the Habeas Corpus Act, the division was—"Ayes, 195," "Noes, 68." On the first reading of the Insurrection Act, the "Ayes" were 202, and the "Noes" 44, and on a motion, made to cause delay, "That it be printed," the "Ayes" were only 22, and the "Noes" 149. In the House of Lords, on the motion of Lord King to limit the operation to "three" instead of "six months," the "contents" mustered only 15, and the "non-contents" 59.

[8] The following figures will give some idea of the stress of

land as well as Ireland public sympathy with the sufferers was universally shown. Besides the money left in the hands of the Irish Government from previous acts, 250,000*l.* was placed at its disposal, and though the Opera House *fête*, notwithstanding that the king was present, hardly did more than pay its cost,[9] committees in London and the country readily responded to the call for aid, and contributed another quarter of a million to the famine fund. Sorely was the money wanted. In the month of June, in the

the famine:—*County Clare—Barony of Inchiquin*, 3609 persons totally destitute. *Barony of Clonderlaw*, 13,000 in actual want of food and seed potatoes. *Union of Quin*, 3600 at present in want of food, one-third only able to repay at harvest. *Half Barony of Talla*, 7552 in absolute want of provisions and no means of purchasing. *Barony of Ibrickane*, 5000 without any means whatever of purchasing food—this number will be considerably increased. *Baronies of Corcomroe* and *Banen*, 10,000; this number must increase as the season advances. *Ennis*—In a populous parish in the west of this county, after congregation were dismissed from mass, several inquiring what crimes were punishable by confinement, for they were willing by such means to procure subsistence even in gaol. *Clare Journal*, April 29. Similar distressing accounts from *Galway*, *Castlebar*, *Limerick*, and *Cork*. Extracts from Irish newspapers given in *Annual Register* for 1822, pp. 35 and 36.

[9] Perhaps the failure was due to some extent to the following bit of scandal. "The first list of patronesses, prepared by the Duchess of Richmond, had the Duke of York at the head and a long list of great ladies. Lady C——, not being included, sent a new list with the king at the head, whom she commanded to go. All the ladies left the Duchess of Richmond and joined Lady C—— and the king—a pretty semblance of what might occur in the male political tribe."—W. H. Fremantle to the Duke of Buckingham, not dated. Duke of Buckingham's "George IV.," vol. i. p. 337. The king was very unpopular.

county of Clare, out of a population of little more than 200,000 persons, 99,639 were subsisting on charity. In Cork 122,000 inhabitants were in the same pitiable state; and in Limerick, out of a population of 67,000, there were 20,000 who had not a morsel to eat, except what charity gave. Eventually the contributions exceeded the demand for assistance, and the balance was used in providing clothing for the distressed, and assisting the fisheries on the coast where the distress had been so prevalent. With the cessation of the famine and the approach of winter, the agricultural outrages revived: notices came from Captain Rock forbidding the payment of tithes and taxes, and distresses for rent were effectually prevented by the destruction or removal in the night of the crops which had been seized during the day.[1]

It was at this period, when public feeling was intensely excited, that Lord Wellesley, in his determination to carry out what no doubt he sincerely believed to be a policy of conciliation, aroused the enmity of the Protestant party in Dublin by a most inopportune act. There is on College Green a statue

[1] These attempts to deprive landlords of the power of distress appear to have been accompanied by some ingenious frauds for the further benefit of the recalcitrant tenant. "Some suspicion," writes Mr. C. W. Wynne to the Duke of Buckingham, November 6, "has been excited by the numerous stacks burnt in Ireland, some of them the property of persons by no means obnoxious to the Rockites. A search was, therefore, made in a small district, in which no less than thirty were prepared for the flames, the wheat having been thrashed out, and the straw restacked for the convenience of charging the barony for the bonfire."—Duke of Buckingham's "George IV.," vol. i. p. 394.

of King William III., the Protestant hero, which it had been the constant practice, on each recurring 4th of November, to deck with Orange trappings. Of this idle ceremony, displeasing as no doubt it always was to the Catholic party, Lord Wellesley made too much importance when he used his power to forbid its repetition. In this he was actively supported by the Lord Mayor of Dublin, to assist whose civil force in preventing the exhibition, troops were ordered out, and ranged round the statue of "Old Glorious." The corporation vied with the Lord-Lieutenant in imprudence, passing a strong vote of censure on the Lord Mayor, accompanied by very plain allusions to his Excellency. One would have hoped that the quarrel might have now ended. Far from it. The Orange societies in Dublin were at fever-heat at the insult, and there were not wanting among them men of fair worldly position, who would gladly take any opportunity of hooting the Lord Mayor, and not object to include the Lord-Lieutenant in the insult. Opportunity was soon found. On the 14th of December, 1822, Lord Wellesley went in state to the theatre royal, and the Lord Mayor, as in duty bound, also attended. Such an occasion was not to be missed by the Orange fanatics. That they packed the theatre with the poorer class of their members: that they hooted the Mayor, and that when Lord Wellesley ostentatiously advanced to the front of his box and bowed to that official, they hooted the Lord-Lieutenant, was admitted. That during this disturbance—no uncommon occurrence in a Dublin theatre—a bottle was thrown on the stage to the foot

of the curtain, and that the portion of a child's rattle, pitched from the gallery, hit near the vice-regal box, was certain. That the groaning and hooting was preconcerted could hardly be denied. But that it was anything worse, if as bad as an O.P. riot in London, and should have been so treated, cannot be doubted. The rioters, some forty in number, were turned out of the theatre, and a few of the ringleaders seized. Had they been, as they deserved, punished as common rioters, no one could have complained.

Lord Wellesley, however, took a far graver view of the offence. He spoke of the "horror of the moment," of the insult to the king, whose representative he was; and he even persuaded himself that his murder was intended by the glass bottle and the half of the child's rattle. Plunkett was as imprudent and impetuous as his master, and soon persuaded himself that it was no mere theatre riot, but a deep-laid Orange conspiracy to drive the Lord-Lieutenant, and of course himself, from their positions, and not to shrink from murder to achieve this object. Hence, whilst he was content that some of the minor actors should be prosecuted merely for a riot, he had three of the reputed leaders committed for an attempt on the life of the Lord-Lieutenant; but he did not stop there. When the grand jury of the county of the City of Dublin ignored the bill for the conspiracy to murder, and rendered that for the riot useless, by finding a true bill against only two of those libelled, he declared in open court, in language applicable only to the most deadly offence, that he should at once exercise his powers as Attorney-General, treat

the decision of the grand jury with contempt, and file criminal informations against the accused parties.[2]

Violent as was the language of advocates in those days, and especially of those who graced the Irish bar, it almost passes belief to read what was then spoken by the Attorney-General. "I will not," he said, "arrogate to myself the office of arraigning the conduct of the grand jury; but I also have a duty to perform. I will, without anticipating the guilt of any individual, state, solemnly, in the presence of this crowded audience, that, in all my readings, in all my experience, in all the annals of this unfortunate country, I never did find a case so fully demonstrated of the foulest conspiracy to riot, or of so much atrocity, as scarcely to be heightened by the aggravation, that its avowed object was insult and outrage to the representative of the king's majesty in a public theatre." One hardly knows whether to treat such language with regret or ridicule.

[2] On December 23rd, Graham and Handwich were committed to prison for riot, and a detainer for murder afterwards lodged; the same in the case of James Forbes. January 2nd, bills sent before the grand jury, first, for riot and assault on Lord-Lieutenant, in which they might have found the riot and negatived the assault; first count, *cum multis aliis;* secondly, with each other; they returned a true bill on second count against only two persons for riot. Application was made for the discharge of Mr. Forbes, committed for murder, and also included in the charge for misdemeanour, and adjourned as Attorney-General not in court and no evidence that he might not proceed on capital charge. January 3, application renewed, all parties discharged, on giving heavy bail to answer any *ex-officio* information that might be filed. January 9, remonstrance of grand jury by their foreman, Sir G. Whiteford.

It is not surprising that the grand jury, comprising some of the most noteworthy citizens of Dublin, should have remonstrated at this inferential attack on their honour. From the judge, to whom they made their remonstrance, they got but little consideration. After informing them drily that no imputation on their conduct had been made by the Attorney-General, he read them a lecture on the duties of grand juries, and reiterated the opinion he had before expressed, that if they believed the depositions which he had seen, there was a full conspiracy shown in point of law. Judge Moore conveniently forgot that it is not on the depositions prepared at the instance of the prosecutors, which are not before them, but on the evidence of the deponents, when before the grand jury for examination, and capable of being tested, that their decision has to be given.[3]

[3] To judge from the letters of Mr. C. W. Wynne, the Cabinet were much annoyed at the conduct of Lord Wellesley and his Attorney-General, and doubted the wisdom of filing the *ex-officio* information. "I agree with you," he writes the Duke of Buckingham, "that the Indian juggler has disappointed expectation most damnably, and I fear that we must say the same of our friend (Plunkett), who seems to me a *diabolus domini vice regis tout comme un autre*," January 3, 1823. See also letters from him, January 23 and 25, "There is no example (of filing *ex-officio* information after grand jury has ignored bill) in England. Whether there is or not in Ireland, I do not know, but Plunkett must be supported and allowed to proceed, or the Irish Government must resign." Again he writes, January 27, "Every human being seems to condemn in the strongest terms the conduct of Wellesley; there never was such an ass, and if he has hatched all this trumpery and made Plunkett his dupe, the latter will never get over it. Such is the belief, and it really looks like it. The opposition are not inclined to

In consequence of this decision, on the 20th of January, 1823, criminal informations were filed by the Attorney-General against eleven of the members of the Orange lodges who had taken most prominent parts in the disturbance, not only for a riot, and for flinging at the Lord-Lieutenant the bottle and piece of the rattle with intent to injure him, but with a previous conspiracy to carry out and effect this object.[4] To these informations two of them, James Forbes and William Graham, put in pleas of *autre-*

attack Wellesley, and are of course in the trammels of the Catholic question, but there are plenty of Orangeists who will not be wanting."—Duke of Buckingham's "George IV.," vol. i. p. 418.

[4] The parties charged were James Forbes, George Graham, William Graham, Henry Handwich, Matthew Handwich, Robert Fletcher, jun., Thomas Kelly, William Brownlow, Richard McIntosh, William McCulloch, and William Heron. There were two informations, the first of which consisted of three counts. The first count stated, first, the intention of the Lord-Lieutenant to go to the Theatre Royal on the 14th of December, and that the traversers and others, before the play, conspired to go there and make a riot. Secondly, that the conspiracy was to hiss, groan, insult, and assault the Lord-Lieutenant, and to cause him to be hissed &c. Thirdly, that with that object they prepared and caused to be distributed through the theatre handbills. Fourthly, that with that object they bought tickets to enable evil-disposed persons to be present; and fifthly, that they distributed the obnoxious bills. The second count alleged that the conspiracy was made at the theatre itself, and the third stated generally a conspiracy to hiss, &c., without any overt act. The second information was for an actual riot, alleging in the first the hissing, &c., and throwing pieces of wood, copper, and glass bottles in its first count, and only charging a riot in the second, omitting the outrages. The plea of Forbes was clearly bad, and no evidence was allowed to be given in its support.

fois acquit by the grand jury of the city of Dublin, on the bills preferred against them on the same charges, on the 2nd of January. On the 3rd of February the trial came on before the full bench, when the Crown was represented by four counsel, in addition to its Attorney and Solicitor-General, and no less than thirteen appeared to defend those of the traversers who appeared to take their trial. The evidence came under three heads—(1) Proof of the object with which the subscriptions of the richer members of the Orange lodges, for the purchase of the tickets to the theatre for their poorer brethren, were made. (2) The acts of the leaders in the theatre, and the object for which the missiles were thrown. (3) The statements of Forbes, when in company with the other rioters, after the play was over, which, if truly reported, would prove that the riot was no accident, but a deep-laid conspiracy, with hostile intentions against the person of Lord Wellesley.

The Object of the Subscription.

To prove this two brothers of the name of Atkinson, sons of a clerk in the Post Office, were called, one of whom was a clerk in the Custom House, and the other a candidate for Government patronage.[5] From the evidence of the latter, who was first examined, it appeared that, some few days before the intended state visit, there was a lodge meeting at the Shake-

[5] The report of the trial used is that edited by Mr. Richard Wilson Greene, the junior counsel for the Crown. Dublin, R. Milliken, 1 vol. 8vo, 1823.

speare Tavern, at which some of the traversers were present as members, and others, including Forbes, the reputed ringleader, as visitors. Here, at supper, after the lodge was closed, the proposal was made to get up a subscription to purchase tickets for the bespeak night for the use of the poorer brethern, of which the witness's brother acted as treasurer. Every pit ticket, according to the custom at the Theatre Royal, Dublin, would admit three persons to the gallery, and on the purchase of pit tickets, therefore, the greater part of the funds were to be expended. The object, this witness stated, was to send men to the upper gallery "to hiss and groan at the Lord-Lieutenant," under the impression that "if he could be made to leave the theatre, it would stamp on the mind of the ministry on the other side of the water of his being unpopular in the country." Whilst the poorer brethren were to go to the upper gallery, the richer were to get into the pit "as near as possible to the Lord-Lieutenant's box." This resolution was reported to another lodge in Werburgh Street, of which the leaders were members, and about 4*l.* was collected and handed to the Atkinson who was the Custom's clerk. Some three-fourths of the money was given by him to Forbes and William Graham, with which they bought pit tickets, and some of the remainder laid out by himself in the purchase of small whistles, which were apparently distributed to Forbes and others of the leading members. In furtherance of this object both the Atkinsons went to Matthew Handwich, another of the traversers, to urge him to bring as many members as he could to the "Black Bull" in Ship Street, where they

all assembled in the afternoon of the royal bespeak. Here about thirty were furnished with admissions to the theatre, and instructed to call for "The Boyne Water" after "God save the King" had been sung, and if it was refused, not to let the performance proceed. The watchword of "Boys, look out" was then given to them, and as a last injunction it was said to them as they left "Boys, be wicked." The witness went to the gallery opposite the royal box, but soon left that position. He saw Forbes there with his whistle, and heard the performance frequently interrupted by groans for Wellesley, and saw several small bills thrown about, which he had before seen at Ship Street. On one of these were the words, "THE EX-GOVERNOR OF THE BANTAM'S SHALL SOON CHANGE HIS MORNING-TON-E." Though he admitted that he did not think anything wrong was intended, about midday of the night of the play he went to the Phœnix Park to tell the Lord-Lieutenant, but being stopped by the sentinel, returned without any attempt to communicate with Lord Wellesley, and did not mention the matter to any one except his brother until he came on the table as a witness. He saw a bottle of liquor taken to the theatre, but said "it was by accident."

John Atkinson, the Custom's clerk, told the same tale as his brother, and admitted that, though a Government servant, he not only "did not oppose the proposal, or tell the others it was wrong, but was active in the scheme, though not in its formation." "He did not believe there was a more loyal man than Forbes:—was convinced they thought it innocent,

as he did, and did not think it had any evil tendency." And when asked, "Will you swear that it was the intention of any person at the meeting in Ship Street to offer personal violence to the Lord Lieutenant, or any one else?" replied, "I would almost swear the contrary." He admitted that he took "some, not much part in the row in the theatre as he was rather timorous." "The recollection of your place came over you, and you began to be timorous," said Forbes's counsel to him, and he replied "Something of that." This witness was not certain that any bottle was taken to the theatre, all he could say was that "a bottle was taken out of the house in Ship Street."

The accomplices had not done much for the prosecution, and had failed entirely to prove any intention of doing personal injury to the Lord-Lieutenant.

THE ACTS OF THE LEADERS IN THE THEATRE.

To prove the throwing of the bottle several witnesses were produced, one Rooney, a brewer, saw something flash across his eyes, strike the drop-scene some two or three feet from the left side of the house (the side on which the Royal box was situated), dent in the curtain, roll to the foot-lights, where it was picked up by one of the musicians, when he saw it was a bottle. Another witness fixed the time as the pause between the end of the play and the beginning of the farce. Michael Farrell swore to seeing Matthew Handwich throw it "in a half-way under his shoulder," and that when he did so he was standing in such a position in the gallery that "he judged

the bottle would go to the left side of the house." When, however, he had, previously to his appearance in court, given an account of the transaction to a reporter to a London newspaper, he had described Handwich "as throwing it with an extended arm inclined to the horizon." It appeared afterwards in the evidence that the ceiling of the gallery came down so low and the gallery itself was so crowded where Handwich stood, that it would have been next to impossible for him to have thrown the bottle even "in a half-way under his arm" without striking some of those who were in front of him.

One Dr. McNamara, of Queen's County, had he been a credible witness, would have given a very bad complexion to this bottle-throwing. He swore that at the moment it was thrown, he heard the suspicious cry, "Boys, mind you fire," and he believed that Handwich was the thrower. On cross-examination, however, the doctor had to admit that he had come out of gaol, where he had been sent for three months, in addition to a fine of 20*l.*, for some ugly dispute about pound breach, having suffered only two-thirds of his punishment. What was the exact nature of his offence was not proved, the conviction not being produced, but Mr. Frederick Trench, one of the magistrates who had convicted him, and who had known him and his acts for many years, swore that he was not to be believed on his oath, and that indictments for perjury were in preparation against him. It was probable, from the fact of the witness Cahill seeing some one drinking out of the bottle just before it was thrown, that, if brought into the theatre, it was

with no preconceived malicious intent, if indeed it had not been purchased from the bar within the house. As neither the musician who picked it up was called, nor the bottle itself produced, the history of this missile was left in a far from satisfactory position.

The rattle was seen by the witness Ryan in the hand of George Graham, who swung and knocked it about until it broke, and then threw part of it in such a direction that it appeared to hit the box next to that of the Lord-Lieutenant and fly off thence on to the stage. Another witness saw two pieces of wood thrown, one of which was produced, as found on the stage within nine or ten feet of the Royal box. Mr. Webster, the Aide-de-Camp, saw something hard strike the front of the box next to the Lord-Lieutenant's, fall between Lady Anne Gregory and Mrs. Goulburn, and fly off to the stage, passing within six or seven inches of Lord Wellesley's head. But the Dowager Lady Rossmore, who was accustomed to a row in the gallery, said the noise of the stick was very trifling, that she was not frightened, nor was Lady Anne, though undoubtedly Mrs. Goulburn, not yet acclimatized to Irish habits, was terrified. The throwing of the pieces of the rattle was a cowardly and dangerous act, but that it formed any part of a conspiracy is too absurd to require refutation.

FORBES'S STATEMENTS WHEN IN THE COMPANY OF THE OTHER LEADERS AFTER THE PLAY.

After all was over Forbes, who had been arrested

in the theatre, and willingly surrendered himself, on being bailed out, had gone with several of the others, including the two Atkinsons, to the supper-house of a Mrs. Flanagan. There, it was said, he publicly made statements, and used expressions with respect to the late events that proved the existence of the conspiracy in its worst form. According to George Atkinson (not the Custom's clerk), he had used the words, "Devil mend him," with reference to Lord Wellesley; and when the question of bailing out Handwich, who had also been arrested, was discussed, had expressed his regret that "it (the bottle) had not taken effect." Under this head of evidence, that of George Farley was the most important. Being in the theatre with some lady relatives, and his friend James Troy, after seeing the ladies home, he and his friend had adjourned for some glasses of punch to Mrs. Flanagan's tavern. There, between ten and eleven, he and his friend swore that Forbes and others of the traversers rushed in, in an excited manner, gathered together in one of the boxes in the public eating-room, and loudly discussed the events of the night. After some of this conversation the party separated, some going upstairs, some leaving altogether; and Forbes, with the two Atkinsons and Graham, coming to sup in a box opposite that in which he and his friend sat. Questions were then asked by one of the party why "So-and-so" was not in his place in the gallery, but in the pit; and the bottle and stick were talked about. There it was that the witness heard some one of the party say with an oath, that "the bottle was a miss." They

then left the box where they had supped, and came to another, nearer, apparently, to that of the witness, for punch. Forbes here began giving toasts—"The Glorious Memory," "The Duke of York and the Army," and others of a similar character. He was not tipsy, but had been drinking. After this Forbes said, "Let them transport me as soon as they can—that is all they can do. I don't care a d——n, provided papists and popish governments are put down; I don't care if I am sent to Botany Bay or hell, so that my object is accomplished; confusion to John Smith Fleming, the popish Lord Mayor, and Marquis Wellesley, and all popish governments." The witness also heard something said about being better prepared next time.

The cross-examination of this witness was chiefly directed to the relative position of the boxes in which he and Forbes sat, and to the fact that many others were in the room and in boxes near that of Forbes and his friend, especially a Mr. Plowden, who was afterwards called for the defence. He persisted in saying that he did not hear the words, "No Orangeman would have done such a thing," or any word about the "rattle," but only about "a stick." The witness's friend, Mr. Troy, though he could not repeat the exact words of the toasts and expressions, confirmed him as to their general effect. He believed Forbes was a loyal Protestant, but thought him mad, and certainly very intemperate.

John Plowden and B. Smith, who had been in the same box with Plowden at Flanagan's, gave a very different account of what passed after the play was over.

Forbes and his friends came in quietly, and did not rush in, as the Atkinsons had sworn, and Smith said that they never moved during the evening from the box in which they first sat down. They did not hear the words, "Devil mend him," but they did hear Forbes say, "The man that threw that bottle might be a Protestant, for we have many bad ones among us; but no true Orangeman would have done it." They spoke to his toasts being of the usual loyal character, commencing with, "The King," and then running through the usual lists of Protestant toasts given by the Orange clubs. The improbability of persons who were really guilty making such criminating statements in a public room, and, that, so immediately after the event, naturally gave more value to the evidence of Plowden and Smith than to that of the witnesses for the prosecution.

From the evidence on both sides this much was clear, that the Lord-Lieutenant was at first received with the usual applause which greets him on a state visit, and that the groans and hootings were confined to the Lord Mayor. When, however, Lord Wellesley so ostentatiously bowed to the Mayor, the insults were at once transferred to him, coupled with personal abuse of a most unworthy character. It was also proved that during this excitement, some person threw the bottle on the stage, and the pieces of the rattle against the box adjoining that of the Lord-Lieutenant. Beyond this there was ground for the doubt entertained by at least a portion of the jury; whether all that happened was the result of a conspiracy or whether the most discreditable acts that

were committed were not due to a sudden excitement and without any criminal premeditation. The fact of the grand jury having thrown out the bills for a riot against the same parties—though not a legal defence—could not but have its weight on the minds of the jurors, to whom, as Dublin residents, the riotous conduct of the galleries in their theatres was a matter of notoriety. It was in vain that the court clearly defined the rights of an audience—that "their censure of a performance may indeed be noisy, but it must not be riotous. That the censure or approbation must be the expression of the feelings of the moment; for if it be premeditated by a number of persons confederated beforehand, it becomes criminal." On the narrow ground of their censure being riotous most of the traversers were clearly guilty, however much the jury might doubt on the part of its being the result of premeditation and confederacy. However, agree the jury could not, except in acquitting Brownlow, against whom the Attorney-General had practically withdrawn the charge in an early stage of the proceedings; and so after having been shut up for more than a day and a half, they were at last discharged.

Though again defeated, Plunkett was unwilling to give in, and required that the accused should still be held under the heavy bail they had hitherto given, to abide the result of another trial, in case he should, on consideration, be advised to submit the case to a second investigation. Whatever might have been his own intention at the time, the events in Parliament that followed so immediately on this failure probably

led him to see the wisdom of letting the matter drop.

Within a few days after his failure, Plunkett came to England to defend himself and his Government against the attacks which were impending in the House of Commons. A motion for papers was conceded without dispute, but, when a month after, copies of the depositions, on which the committal for the capital offence was based, were asked for, the motion was successfully resisted. In the debate on this motion Plunkett defended the course he had adopted. "At first, he said, he had not taken so serious a view of the transaction, but when he read the subsequent statements of Forbes, related by Farrell and Troy, he felt bound to proceed for the higher offence. Again, however, he changed his mind, as the danger to the life of the Lord-Lieutenant appeared only consequential, and, therefore, not sufficiently imminent." The depositions were refused "as a dangerous precedent at any time, and especially at the present, as no man could be expected to come forward if the seal of secrecy was broken." Next night Mr. Brownlow, who had taken the lead in these demands, moved that "the conduct of the Attorney-General in filing informations after the bills for the same offences had been ignored by the grand jury was unwise and contrary to practice, and not to be drawn into a precedent, and not congenial with the spirit of the Constitution." Plunkett not only defended his conduct as strictly legal—as no doubt it technically was—but as justified by circumstances, as there was no part of the bills which was not clearly proved.

"There was no sound mind," he said, "that would not admit that the men who could have brought themselves to such a conclusion as the grand jury, could not have arrived at it by legitimate means. Their reason could not be mistaken. They conceived that when the Lord-Lieutentant, in compliance with the expressed wishes of his sovereign, had exerted himself to put an end to the heart-burnings that had embittered that community, it was extremely proper and lawful to seize the first opportunity that presented itself for marking their powerful disapprobation of such an acquiesence in the expressed commands of his Majesty. To that extent they felt it highly proper to the opposition to proceed, though they were not prepared to go to the length of thinking that it was right to fling bottles or rattles at his Majesty's representative. He had grounds for impeaching the impartiality of the grand jury. The sheriff was related to two of the accused, as their first cousin, and had declared that they need not be afraid of the result of the trial, as he had an Orange jury in his pocket: that he had refused to put one man on the grand jury because he had said that he would abide by the king's letter, and had withdrawn the preparation of the jury panel from the proper officer in order to prepare it himself; that the panel was short of the usual number and that the first twenty-six on it answered on being called, and thus (by arrangement) constituted the tribunal."

Though he professed that he should have preferred meeting the motion by a direct negative, Plunkett, with discretion, contented himself with moving the orders of the day, and eventually the motion was withdrawn, and thus for the time the victory was won by the Irish Attorney-General.

This, however, was but an introduction to the real struggle. The grand jury readily took up the gauntlet thrown down by Plunkett, and prepared to dispute his charges. On the 22nd of April, Sir Francis Burdett moved for an inquiry into their conduct, stating that Thorpe, the sheriff, who was attacked,

and six of the grand jury were present and ready to be examined. It was in vain that the motion was opposed as unnecessary. The charges made by Plunkett were denied *seriatim* by Brownlow, and the motion for the investigation was carried by a sufficient majority.

On the 2nd of May the inquiry commenced, and the conflicting evidence agreed only in this, that it exposed a culpable laxity in the preparation of juries in Ireland, if it did not establish corruption in such cases in the inferior officers of the sheriffs.[6] Against Sheriff Thorpe it was stated that less than an hour before the bills were brought down, a Mr. Ward had predicted their failure, and gloried in the way in which it had been managed. This was denied by Ward, and as the witness MacNamara, by whom this charge was made, had, on another occasion, admitted that he had tried to bribe the Under-Sheriff of Dublin, in order to secure the acquittal of a client for forgery, Ward's denial weighed down the assertion of the man who confessed that, if he could, he would have tainted the sources of justice. Another witness, McConnell, declared that at a card-party on the 17th of December,

[6] Before witnesses were examined, Plunkett stated that the following precedent for his action had been discovered in the Irish courts. In October, 1811, a bill had been sent up against one Leach for offering a bribe to Sir E. Littlehales in order to obtain the position of Barrack-master, and ignored by the grand jury. In consequence, a second bill was ordered by the Court of King's Bench to be sent up, and met with the same fate. Saurin, the Attorney-General at that period, then filed an *ex-officio* information against Leach, and on this, judgment was signed in default of a plea, but on Leach expressing great contrition and losing his place, no punishment followed.

he heard Thorpe tell Graham that he had an Orange jury in his pocket. The other sheriff, however, proved, that, at that time, the panel had not been prepared, and McConnell's statement went for nothing. Poole, who had been refused by the sheriff, who told him "he had a hard card to play to please all," proved his application. It was, however, proved in explanation, that his application was made in relation to a case against one O'Meara, the facts of which he told the sheriff were well known to him, and that he promised, if put on the panel, not to divide on the indictments for riot. His rejection was, therefore, fully justified. The relationship between Thorpe and two of the accused was disproved. The clerk in the under-sheriff's office described the mode of striking the jury to ensure fairness by Thorpe's orders. The chairman, Sir G. Whiteford, had been asked to preside several weeks before the riot, and having heard McConnell's story, he refused to act, until Thorpe, on his honour, denied the statement. "He wished the dressing of the statue to die a natural death, but considered the steps taken to prevent it were likely to produce irritation, and did not consider expressing dissatisfaction at those means worthy of punishment." Sir A. King denied having had the panel to revise, and several of the grand jury spoke to the care and deliberation with which the evidence was considered, and the unanimity of the decision at which they arrived. Such, in brief, was the result of the five days' examination, with which the friends of the jury were satisfied.[7] The Government were only too glad to

[7] During the examination an attempt was made to compel the

let this untoward business drop, and to allow the interest in the tragi-comedy of the bottle and the rattle to die a natural death.

member of the grand jury, who, acting as its secretary, had made notes of the evidence, to enter into details of what passed in the jury room, which he successfully refused, on the ground of his oath, as a grand juror, to keep secret "the counsel of himself and fellows." Sir A. King was also pressed to reveal the oath and signs of the Orangemen, which he refused. All he would say was, that they had no hostile intentions towards any class of his Majesty's subjects, and did not hint, as was asserted, at the extermination of the Catholics. Twice Brougham divided the House on the question, and was defeated by large majorities (May 26), Plunkett voting against ministers on both divisions.

APPENDIX A.

Chapter IV.

EXTRACTS FROM "THE NOBLE STOCK-JOBBER." By C. R. BARON DE BERENGER. London, 1816. 1 vol. 8vo.

Two years after his conviction, De Berenger published his account of the fraud, in a volume full of confessions and assertions, wrapped up in pages after pages of laboured abuse of the counsel and witnesses for the prosecution and Lord Ellenborough, and imputations against the domestic morality of Lord Cochrane. According to this wordy and confused publication, his introduction to the Cochranes commenced in May, 1813, in consequence of Mr. Johnstone seeing at his solicitors' some drawings of the St. James's Institution, which De Berenger had projected, and from the eventual failure of which he incurred severe losses. The result was that he was engaged to prepare the plans and drawings for the "Vittoria," the rival of Ranelagh and Vauxhall, which Johnstone proposed erecting in the New Road. In this project he was to share half the profits, in addition to receiving the well-paid post of manager, and payment for his work as a draughtsman. Hence arose an intimacy with the Cochrane family, and frequent invitations to the houses of Johnstone and others of its members, at which he often met the noble lord. In November or December of that year he was asked by Lord Cochrane to make drawings for his newly-projected lamp, and taken to see the pattern of the

invention. It will be remembered that Lord Cochrane stated that he had only met De Berenger two or three times at Mr. Johnstone's, and was entirely unacquainted with his handwriting. De Berenger, on the contrary, gives extracts apparently from his diary,[1] showing that in the fortnight between the 9th and the 22nd of January, 1814, he met Lord Cochrane six times at as many parties at the houses of the Cochrane family, and that on the 8th of February in that year he wrote him a long letter, offering a share of his invention of a new oil,[2] and received from him a reply, dated the 17th, in which he says :—"*Dear sir,—Your papers are very clear, as all writings are which come from your pen. Such, however, are the circumstances in which I am placed that it is not in my power to avail myself of your polite offer. If you will go to America with me* (alluding to the proposal of his going with the squadron as rifle instructor), *we will talk the subject over on the passage.— Yours very truly, Cochrane.*" If these extracts from his diary, in which he gives the names of the persons

[1] Sunday, Jan. 9th.—"Called on Lord Cochrane in Park Street; found him at home." Same day—"Dined at Mr. C. Johnstone's, Miss Johnstone, Colonel Cochrane, and *Lord Cochrane.*" Saturday, Jan. 15th.—"Dined at Mr. C. Johnstone's;" he then gives a list of the guests, ending with "and Lord Cochrane." Wednesday, Jan. 19th.—Another dinner at Cochrane Johnstone's; list of guests again ending with "and *Lord Cochrane* and some others unknown to me." Friday, Jan. 21st.—Dinner at Hon. Basil Cochrane's, Portman Square; several of the Cochrane family there, and ending "and *Lord Cochrane*, with several other gentlemen." Saturday, Jan. 22nd.—Breakfasted at Admiral Sir Alexander Cochrane's with a large party of naval gentlemen, whose names I did not retain; *Lord Cochrane was there.*" It is noteworthy to find that Lord Cochrane's name is always entered last, and raises the suspicion that it was an addition to the original entry in the diary.

[2] From the *Euphorbium lathyris*, a common weed in cottage gardens, producing a most purgative oil. From one of the *Euphorbia* castor oil is produced.

at the several meetings, are genuine, and this letter not a forgery, it is difficult to reconcile these statements with Lord Cochrane's, that "he met De Berenger once or twice at Mr. Cochrane Johnstone's and nowhere else," and that he was unacquainted with his handwriting.

It was not until the 31st of January, De Berenger declares, that he was made acquainted with the stock-jobbing ventures of the party, on the last day of which month he was asked by Johnstone to devise a scheme to save them from ruin. On that occasion he refused, he says, on moral grounds; later on he consented, and drew up the project of the fraud, complete in all details, except the place in London at which he should arrive.

On Saturday, the 19th of February, on another pressing invitation, he went to Butt's office in Shorter's Court, where he says that he found the two Cochranes and Butt. Lord Cochrane seemed dejected, Mr. Johnstone a little better, Mr. Butt most desponding. He was then informed that serious loss (400*l.* he believes) had been made on the Omnium they had voluntarily bought for him. "About two o'clock Butt, who had been pacing about the room in agitation, suddenly exclaimed, 'Baron, cannot you help us in some way or other? if you do not we are ruined, and we look to you alone for some effort or other—indeed you must help us.' I replied that the situation was so perilous, I doubted whether any act of mine could answer the purpose. Mr. C. Johnstone and Lord Cochrane pointedly, and with peculiar expression, fixed their eyes on me; I took a scrap of paper, and after writing words in substance as follows, handed it to Mr. Johnstone:—'I have something ready to show you, but remember it is to remain private—pray do not show it.' Mr. Johnstone read the paper, tore it, and held out his hand, of course, to receive what I had to show him. He looked at it generally, his features brightened, and Lord Cochrane kept his eyes upon him with a countenance ex-

pressive of much curiosity. In a very few seconds, and greatly to my surprise, he handed my paper over to Lord Cochrane, who received it with evident eagerness."[3] If there is any truth in this story, it is quite intelligible that with his accustomed energy Lord Cochrane, as De Berenger goes on to state, should have thrown himself into the scheme, have advised on some of its details, and been the first to hand over his portion of the 60*l.* given him for his expenses. Against this charge we have Lord Cochrane's affidavit that "he had not, directly or indirectly, any concern in the formation, or any knowledge of the existence of an intention to form the plot." It is, however, a marked reflection on Lord Cochrane's wisdom, if it is true, that he insisted on De Berenger driving to his house in Green Street, only urging that he should change his hackney-coach on the way, when he promised to be ready to let him in secretly,[4] and yet, as we know, went away on his lamp affair and left De Berenger to be received by his servants.

It is needless to detail De Berenger's account of his adventures in search of the requisite disguise, in which for a time he was baffled by the Jews' clothes-shops being closed for their Sabbath, of his journey to Dover, his midnight wanderings in that town until it was time to appear at the Ship Hotel, or his precautions in dirtying his new uniform with blacking from his boots and by soaking it with water to give the appearance of having been wetted in his landing. One assertion, however, must be noticed—that he purchased a yellow portmanteau and a bill-case, ten inches by six, too small to hold a coat, that he left the former at Dover with that portion of his clothes which he did not require for his homeward journey, and that he had only the bill-case, and that hanging to his sword-handle.

[3] "The Noble Stock-Jobber," pp. 63—65.
[4] *Ibid.*, p. 75.

when he reached Lord Cochrane's.[5] The following is his account of his interview with Lord Cochrane :—

"To the best of my recollection it was a little after eleven o'clock when Lord Cochrane arrived; he came to me in the drawing-room, where I was alone, and immediately said, 'How could you be so imprudent as to send me a wafered note,' which was retorted with, 'Had your lordship attended to your promise, and stayed at home, this trifling uneasiness to you, as well as many greater to me, would have been spared.' He ran out of the room and immediately returned, desiring me to follow him with my sabre, cap, lock leather case; he took me to a back bedroom on the second floor. Attempts to relate my adventures were interrupted, for he was too anxious about my being gone; my request to leave the scarlet coat, sword, and cap there (for I proposed to go home in my greatcoat and green overalls, after a round hat had been procured from a hatter's) Lord Cochrane positively denied; and he said that having sent his servant out of the way, he could not send for a hat, which, besides, would be recollected, but that he had purposely kept the coach that brought him to carry me and my bundle away, and that therefore I might go home in one of his hats, though they were very remarkable (in consequence of his height, over six feet, Lord Cochrane wore a low hat with a broad brim). He then went to some drawers, and taking out a large pillow-case, not unlike the French pillow-cases (not the 'cover of a chair bottom,' as was stated at the trial),[6] he persisted in my putting up everything, even my greatcoat, and very obsequiously, and

[5] He gives a list of each article left in the portmanteau, and of those worn on the journey to London.—"The Noble Stock-Jobber," pp. 93—95.

[6] Lord Cochrane, in his affidavit, called it a "towel." De Berenger states in a note that the Stock Exchange had the identical pillow-case.

much flurried, the noble lord lent a helping hand to pull off that very scarlet coat which he swore never to have seen, and which, to his agitated vision, must have appeared green. He next (instead of taking the coat, which was lying on the chair, as stated in his extraordinary affidavit) even eclipsed St. Martin, for not content with sheltering me under his hat of hats, he voluntarily offered, not half his cloak, but he actually forced on me the whole of his long coat, taking it from his own back; and perfectly positive I am of this, for it felt warm, and caused a disagreeable and in me insurmountable feeling. Thus ridiculously equipped I departed in his coach, leaving nothing but my long sabre behind me."[7]

There are only a few more statements in this volume that deserve notice. De Berenger asserts that on the evening of the 21st of February he formed one of a dinner-party at the Hon. Basil Cochrane's, in Portman Square, meeting there Mr. Cochrane Johnstone, and that Lord Cochrane came in in the evening; that he there heard of the "hoax," at which every one laughed and many rejoiced, as for once turning the tables on a nest of wasps Before this party broke up Mr. Johnstone had asked him to dine with him the next day, when the party consisted of the triumvirate, De Berenger and Miss Johnstone. Then it was, he says, that as soon as the men had the room to themselves he was asked to recite his adventures, and was informed by Johnstone that the utmost pains were being taken to discover the sham Du Bourg, and that Lord Cochrane suggested De Berenger going out of the way to Long Reach to drill some seamen and marines on board the "Tonant." He gives details of meetings with Cochrane Johnstone about the share he was to have in the plunder, and his agreeing to take 1000*l.*, of which he received 400*l.* on account; asserts that the visit to Doni-

[7] "The Noble Stock-Jobber," p. 201.

thorne's and the measuring of his house and garden is correctly given by the Tregaers, except as to date (it really occurring on the 24th of February), there being a plan on foot of turning it into a canteen, but adds that it was by arrangement with Lord Cochrane as a safe place at which to discuss their matters, and that the latter went out of the house with De Berenger, and went through the form of taking down the figures of the measurements on a scrap of paper. Not one word of this is to be found in the evidence of the Tregaers, his own witnesses, who speak of his coming alone and being engaged only with Donithorne. De Berenger further states that he was now frightened by Cochrane Johnstone, who told him that the Admiralty had traced him as the man who sent the letter to Admiral Foley, and persuaded by him to fly. Before doing so, on Saturday, the 27th, he cut the scarlet coat to pieces, loaded the pillow-case with lead and stones and sank it with its contents in the river, and at the urgent request of Johnstone left London that night, intending to get to Amsterdam, where Johnstone promised to meet him on the 12th of March.

With this event De Berenger's story ends, so far as it ever appeared in print. A second part, being occurrences down to the date of its publication, was promised, and a list of its contents is appended to the first volume. Apparently it never was published; and if it was written in the same style as the first, and made up of assertions, abuse, and vapid moral remarks, its loss is not to be regretted. To judge from its table of contents, it would not throw any reliable light on the concoction and execution of the fraud.

APPENDIX B.

THE BILL OF PAINS AND PENALTIES.

Page 388.

BILL to deprive her Majesty Caroline Amelia Elizabeth of the Title, Prerogatives, Rights, Privileges, and Pretensions of Queen Consort of this Realm, and to dissolve the marriage between his Majesty and the Queen.

WHEREAS in the year 1814 her Majesty, then Princess of Wales and now Queen Consort of this realm, being at Milan, in Italy, engaged in her service, in a menial situation, one *Bartolomeo Pergami, otherwise* Bartolomeo Bergami, a foreigner of low station, who had before served in a menial capacity.

AND WHEREAS after the said *Bartolomeo Pergami, otherwise* Bartolomeo Bergami, had so entered the service of her Royal Highness the said Princess of Wales, a most unbecoming and degrading intimacy commenced between her Royal Highness and the said *Bartolomeo Pergami, otherwise* Bartolemeo Bergami.

AND WHEREAS her Royal Highness not only advanced the said *Bartolomeo Pergami, otherwise* Bartolemeo Bergami, to a high situation in her Royal Highness's household, and received into her service many of his near relations, some of them in inferior, and others in high and confidential situations about her Royal Highness's person, and bestowed on him other great and extraordinary marks of favour and distinction, *and obtained for him orders of knighthood and titles of honour*, and conferred upon him a pretended

order of knighthood, which her Royal Highness had taken upon herself to institute without any just and lawful authority.

AND WHEREAS whilst the said *Bartolomeo Pergami, otherwise* Bartolomeo Bergami, was in her said service, unmindful of her exalted rank and station, and of her duty to your Majesty, and wholly regardless of her honour and character, conducted herself towards the said *Bartolomeo Pergami, otherwise* Bartolomeo Bergami, and in other respects, both in public and private, in *the* various places and countries which her Royal Highness visited, with indecent and offensive familiarity and freedom, and carried on a licentious, disgraceful, and adulterous intercourse with the said *Bartolomeo Pergami, otherwise* Bartolomeo Bergami, which continued for a long period of time during her Royal Highness's residence abroad, by which conduct of her Royal Highness great scandal and dishonour have been brought upon your Majesty's family and this kingdom.

THEREFORE, to manifest our deep sense of such scandalous, disgraceful, and vicious conduct on the part of her said Majesty, by which she has violated the duty she owed to your Majesty, and has rendered herself unworthy of the exalted rank and station of Queen Consort of this realm, and to evince our just regard for the dignity of the crown and the honour of this nation, we your Majesty's dutiful and loyal subjects, &c., &c., do hereby entreat your Majesty that it may be enacted,

AND BE IT ENACTED by &c., &c., &c., that her said Majesty Caroline Amelia Elizabeth from and after the passing of this Act shall be and is thereby deprived of the title of Queen, and of all the prerogatives, rights, privileges, and exemptions appertaining to her as Queen Consort of this realm, and that her said Majesty shall from and after the passing of this Act for ever be disabled and rendered incapable of using, exercising, or enjoying the same; and

that the marriage between his Majesty and the said Caroline Amelia Elizabeth be and the same is for henceforth for ever wholly dissolved, annulled, and made void to all intents, constructions, and purposes whatsoever.

Note.—The words in italics are those amended or sought to be amended in committee.

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